

*Pamphlet by Rev. Mr. Bell*

CANONS,  
By-Laws and Resolutions,  
ADOPTED  
BY THE SYNOD  
OF THE  
DIOCESE OF TORONTO,

WITH AN HISTORICAL DIGEST OF THE PROCEEDINGS,

FROM 1851 TO 1872 INCLUSIVE,

WITH AN ANALYTICAL INDEX OF THE WHOLE.



Prepared by a Committee, under direction of the Synod.

(SEE PAGES 264-266.)

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LEADER OFFICE, 63 KING STREET EAST.  
1873.

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# CANONS, By-Laws and Resolutions,

ADOPTED

BY THE SYNOD

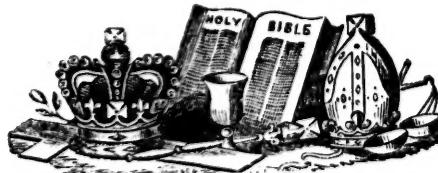
OF THE

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## PREFATORY NOTE.

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This collection of Canons, Resolutions and By-laws of the Synod of the Diocese of Toronto, has been prepared in pursuance of resolutions of Synod, passed in 1869 and 1871 (page 264), and is a continuation of a similar compilation prepared in 1854. The collection contains not only the text of the Canons, Resolutions, and By-laws of the Synod, now in force, but also (in a narrative form), an historical and summary digest of the whole proceedings of Synod, for 22 years, from 1851 to 1872, partly inclusive.

In Part I of this compilation are included the following matters:

1. List of the Clergy in the Diocese, 1872.
2. Brief Historial Retrospect of the Diocese.
3. Brief Chronological Record, from 1786 to 1851.
4. Analysis of the Bishop's Charges, from 1841 to 1851 inclusive.
5. Analysis of the Proceedings of Synod, from 1851 to 1871.
6. General Statistical Summary of the meetings of Synod, from 1851 to 1871, inclusive.

Part II, which is arranged in chapters, is devoted to the "Declarations," Canons, Resolutions, and By-laws, which are now binding upon the Diocese. It also contains an historical digest, or summary record, in narrative form, of proceedings in regard to matters which, from time to time, have engaged the attention of Synod.

Part III. contains a collection of the Canons and Resolutions of the Diocese of Toronto, including, on pages 297-305, a reprint of the English Church Discipline Act.

Part IV. contains a reprint of the Canons of the Provincial Synod, so far as they affect the Diocese of Toronto.

Part V. contains a reprint of the Provincial Statutes affecting or relating to the Church of England in the Diocese of Toronto.

For convenience of reference, the historical and narrative part of the compilation, (which has no binding force), has been put in smaller sized type than the other, while the Canons, Resolutions, &c., which have the force of Synod law, are put in the larger sized type.

The Analytical Index, it will be seen, has been made as full and complete as possible. It will, we trust, be found of use to members of the Synod in readily turning to any subject already discussed, which may be brought up from time to time in the Synod.

SYNOD OFFICE, Toronto, February 1873.

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## PART I.

LIST OF THE CLERGY  
OF THE  
DIOCESE OF TORONTO.

APRIL, 1872.

The Right Reverend ALEXANDER NEIL BETHUNE, D.D., D.C.L.,  
*Lord Bishop of the Diocese.*

Commenced his Ministry 1823 ; Archdeacon of York, 1847 ; (Coadjutor)  
Bishop of Niagara, 1866 ; Bishop of Toronto, 1867.

[NOTE.—The dates here given are chiefly taken from the official lists of commuting and non-commuting Clergy, published in the *Church Chronicle* for September, 1868, pages 95, 96, and February, 1869, pages 85, 86.]

NAME.	Entered the Dio- cese, or ordained.	P. O. ADDRESS.
Alexander, J. Lynne .....	1843	Stony Creek.
Alexander, Finlow .....	1866	Guelph.
Allen, T. W., M.A. (Rural Dean) .....	1848	Millbrook.
Ambery, John, M.A. .....	1857	Toronto.
Arnold, Robert, B.A. .....	1859	Fort Erie.
Baker, J. S. ....	1866	Campbellford.
Baldwin, Edmund, M.A. (Canon) .....	1849	Toronto.
Ball, Thomas .....	1870	Bracebridge.
Ballard, J. McLean, B.A. ....	1865	St. Catharines.
Bates, W. W. ....	1869	Ivy.
Beaven, James, D.D. (Canon) .....	1843	Yorkville.
Beck, J. W. R., M.A. ....	1851	Peterborough.
Belt, William, M.A. ....	1850	Oshawa.
Bethune, C. J. S., M.A. ....	1861	Port Hope.
Bethune, F. A., M.A. ....	1867	"
Boddy, S. J., M.A. ....	1858	Toronto.
Boulbee, Arthur .....	1870	Harriston.
Brent, Henry, M.A. (Canon) .....	1846	Newcastle.
Briggs, Solomon, M.A. ....	1858	Stayner.
Broughall, A. J., M.A. ....	1857	Toronto.
Bull, George A., B.A. ....	1851	Ryckman's Corners
Burges, H. F. ....	1871	Baillieboro'.

NAME.	P. O. ADDRESS.
Burnham, Mark, B.A.....	1829 Ashburnham.
Burt, Frederick .....	1865 Minden.
Carry, John, B.D. ....	1857 Holland Landing.
Cartwright, T. S. ....	1867 Ancaster.
Cayley, J. D'Arcy, M.A. ....	1863 Whitby.
Checkley, W. F., M.A. ....	1857 Weston.
Clarke, W. H., B.A. ....	1870 Haliburton.
Clementi, Vincent, B.A. ....	1863 North Douro.
Cole, Edmund H., M.A. ....	1871 Cobourg.
Cooper, H. C., B.A. ....	1841 Etobicoke.
Cooper, W. E., M.A. ....	1858 Credit.
Cooper, H. D., B.A. ....	1861 Fergus.
Creighton, John .....	1861 Welland.
Darling, W. Stewart .....	1842 Toronto.
Davidson, John, M.A. ....	1857 Bondhead.
Davies, H. W., D.D. ....	1857 Toronto.
Day, Edwin, M.A. ....	1870 "
Disbrow, Noah .....	1860 Dunnville.
Dixon, Alexander, B.A. (Canon) .....	1848 Port Dalhousie.
Dumoulin, J. Philip, M.A. ....	1871 Hamilton.
Farrar, M. A., M.A. ....	1862 Westwood.
Fessenden, E. J., B.A. ....	1870 Mono Mills.
Fidler, A. J., B.A. ....	1860 Aurora.
Fletcher, John, M.A. ....	1847 Highland Creek.
Fletcher, Joseph, B.A. ....	1868 Shanty Bay.
Flood, John .....	1840 Penetanguishene.
Forneri, R. S., B.A. ....	1864 Uxbridge.
Forster, W. R. ....	1866 Creemore.
Francis, John .....	1865 Jarvis.
Fuller, T. B., D.D., D.C.L. (Archdeacon) .....	1833 Toronto.
Geddes, J. G., M.A. (Rural Dean).....	1834 Hamilton.
Gibson, J. C., B.A. ....	1865 Brockton.
Givins, Saltern (Rural Dean).....	1831 Yorkville.
Grant, William, M.A. ....	1860 Tullamore.
Grasett, H. J. C., B.D. (Dean of Toronto) .....	1835 Toronto.
Greene, Thomas, LL.D. ....	1843 Port Nelson.
Greene, R. W. C., B.A. ....	1871 Byng Inlet.
Gribble, John .....	1870 Port Colborne.
Groves, F. J. S. ....	1851 Toronto.
Hall, Thomas .....	1869 Lowville.
Hallen, George, B.A. ....	1840 Penetanguishene.
Harris, R. H., B.A. ....	1860 Orillia.
Harrison, Richard, M.A. ....	1865 Pine Grove.
Haskew, J. B. ....	1870 Markham.

NAME.	P. O. ADDRESS.
Hebden, John, M.A. ....	1850 Hamilton.
Henderson, Alexander, B.A. ....	1801 Orangeville.
Hill, George S. J., M.A. (Rural Dean)....	1843 Unionville.
Hill, Arundel C., M.A. ....	1870 Toronto.
Hill, Rowland ....	1870 Little Current.
Hindes, Ralph W., B.A. ....	1868 Cookstown.
Hodge, T. P. ....	1855 York Mills.
Holland, Henry, B. A. ....	1854 St. Catharines.
Hosken, B. S. ....	1867 Cartwright.
Houston, Stewart, M. A. ....	1859 Waterdown.
Ingles, Charles Leycester, M. A. ....	1847 Drummondville,
Jarvis, Herbert, M. M. A. ....	1871 Arthur.
Johnson, W. A. ....	1851 Weston.
Johnson, C. C. ....	1853 Georgetown.
Jones, William, M. A. ....	1864 Toronto.
Jones, W. Henry, M. A. ....	1869 Omemee.
Jones, Septimus, M. A. ....	1858 Yorkville.
Lampman, Archibald, B. A. ....	1850 Gore's Landing
Langtry, John, M. A. ....	1855 Toronto.
Lett, Stephen, LL.D (Rural Dean)....	1848 Collingwood.
Logan, William, M. A. ....	1850 Fenelon Falls.
Lumsden, Wm., M. A. ....	1871 Oakville.
Machin, C. J., Mus. Bac. ....	1871 Toronto.
Massey, William ....	1871 Erin.
Middleton, Isaac, B. A. ....	1863 Brampton.
Mockridge, James, B. A. ....	1843 Norval.
Morgan, Edward ....	1855 Barrie.
Morton, James ....	1864 Brighton.
Mosley, Robert ....	1870 Parry Sound.
Murphy, E. W., B. A. ....	1865 Allandale <sup>1</sup>
Mussen, E. Horace, B. A. ....	1869 Seneca.
Maccarther, J. G. ....	1867 Thorold.
Mackenzie, J. G. D., M. A. ....	1845 Toronto.
Mackenzie, W. J. ....	1868 Mount Forest.
MacLeod, D. I. F., M. A. ....	1861 Chippawa.
Macnab, A., D. D. ....	1850 Bowmanville.
Macnab, Allan Napier, B. A. ....	1871 Hamilton.
McCollum, J. H., M. A. ....	1857 Wellington Square.
McMurray, Wm., D.D., D.C.L. (R. Dean)	1833 Niagara.
Nesbitt, George, M. A. ....	1861 Prince Albert.
Newton, William, Ph. D. ....	1870 Rousseau.
O'Meara, F. A., LL.D. ....	1838 Port Hope.
Osler, F. L., M. A. (Rural Dean)....	1837 Dundas.
Osler, H. B. (Canon)....	1843 Lloydtown.

NAME.		P. O. ADDRESS.
Palmer, Arthur, M. A. (Archdeacon).....	1832	Guelph.
Paterson, C. W., B. C. L.....	1869	Bobcaygeon.
Paterson, T. W., B. A.....	1871	Hastings.
Phillipps, H. N.....	1855	Niagara.
Ramsay, S. F., M. A. (Canon) .....	1848	Newmarket.
Read, T. Bolton, D. D. (Canon).....	1842	Grimsby.
Ritchie, William, M. A. (Canon).....	1843	Georgina.
Robarts, T. T., M. A.....	1854	Thorold.
Ruttan, C.....	1844	Bradford.
Sanson, Alexander .....	1842	Toronto.
Scadding, Henry, D. D.....	1836	Toronto.
Shanklin, Robert.....	1845	Thornhill.
Shaw, A. C., B. A .....	1869	St. Catharines.
Smithett, W. T., M.A.....	1868	Lindsay.
Snell, John Howe. ....	1871	Hollen.
Stennett, Walter, M. A.....	1847	Cobourg.
Stewart, A., M.A., (Rural Dean).....	1856	Orillia.
Stimson, E. R., M. A.....	1849	Toronto.
Strong, S. S., D. D., D. C. L.....	1837	Toronto.
Sutherland, R. G.....	1870	Duffin's Creek.
Taylor, George I., B. A.....	1868	Cannington.
Thomson, C. E., M. A.....	1856	Elora.
Tocque, P.....	1868	Horning's Mills.
Tremayne, F., M. A.....	1852	Milton West.
Trew, A. G. L., M. A.....	1867	Toronto.
Vicars, John, B. A.....	1858	Bethany.
Vicars, Johnstone .....	1865	Roach's Point.
Walker, Thaddeus, B. A.....	1869	Rosemont.
Westney, W. S., B. A.....	1865	Streetsville.
Whitaker, George, M. A.....	1852	Toronto.
Williams, Alexander, M. A.....	1855	Toronto.
Wilson, John, M. A., (Rural Dean).....	1843	Grafton.
Wilson, E. F.....	1871	Sault St. Marie.
Worrell, John Bell, M. A.....	1847	Oakville.
Wray, H. B., B. A.....	1865	Stony Creek.
Wright, Henry Skynner.....	1871	Rockton.
RETIRED.		
Bartlett, T. H. M. (late Chaplain to the Forces, Kingston).....	.....	Drummondville.

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# CANONS, BY-LAWS, AND RESOLUTIONS OF THE SYNOD OF THE DIOCESE OF TORONTO.

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## II.—BRIEF HISTORICAL RETROSPECT.

From the primary charge of the Honorable and Right Reverend John Strachan, D.D., LL.D., Lord Bishop of the Diocese of Toronto, delivered in the Cathedral Church of St. James', Toronto, on the 19th of September, 1841, we gather the following facts. The Bishop says:—

1. "For many years after [the] first settlement [of this Diocese] as the favourite asylum of suffering loyalty, there was but one Clergyman of the Church of England within its extensive limits. This highly revered individual came into the Diocese in 1786, and settled in Kingston, in the midst of those to whom he had become endeared in the days of tribulation. \* \* \* The Reverend Dr. Stuart may be truly pronounced the father of the Church in Upper Canada. \* \* \* In 1792, two Clergymen arrived from England. \* \* \* Even at the commencement of 1803, the Diocese contained only four Clergymen, for it was in the spring of that year that I made the fifth. \* \* \* [The] number [of the Clergy] had not risen above five in Upper Canada so late as 1812, when it contained upwards of 70,000 inhabitants. \* \* \* Nor was it till after the termination of the war with the United States in 1814, that the national advantages of Canada began to be understood \* \* \* It was now that the Bishop [of Quebec, Dr. Mountain's] unwearied zeal \* \* \* began to call forth sympathy and attention. At his instigation noble contributions were raised—Churches built—and Clergymen placed in the more prominent settle-

ments. The great impulse then given was continued and increased by his amiable, pious, and indefatigable successor, Bishop Stewart. \* \* \* From this period the prospects of the Church in Canada steadily brightened. In 1819, the Clergy in this Diocese was increased to ten. In 1825, they had arisen to twenty-two,—in 1827, to thirty,—in 1833, to forty-six, and our numbers have now [1841] reached ninety."

2. From the Bishop's third charge, delivered in June, 1847, we learn that, in 1844, the number of Clergy had increased to one hundred and eighteen (118). In his fourth charge, delivered in 1851, the Bishop reports the number of Clergy then in his Diocese as one hundred and fifty (150). On the 2nd of April of that year, the Bishop issued a Pastoral Letter summoning the Clergy and Laity (the latter by appointment of representatives) of each parish, to meet him in Toronto on the 1st and 2nd of the following month "to express [their] opinion as a body on the posture of [the] secular affairs [of the Church in the Diocese] when an attempt is again making by her enemies to dispoil her of the small remainder of her property, which has been set aside and devoted to sacred purposes during sixty years; and it is not only her duty to protect against such a breach of public faith, but to take such steps as may seem just and reasonable to avert the same." The Bishop, therefore, requested "every Clergyman of [the] Diocese to invite the members of his mission or congregation, being regular communicants, to select one or two of their number, [two were selected in each case], to accompany him to the visitation: \* \* \* their attendance on this duty \* \* \* will be strictly confined to the consideration of the temporal affairs and position of the Church." In obedience to this summons, what may be regarded as the first meeting of the Toronto Diocesan Synod, composed of Clergy and Laity, was held.

In his charge for that year the Bishop thus referred to the first visitation held in Upper Canada, he says: "In October, 1836, there was a meeting somewhat similar to this held under the then two Archdeacons, [York and Kingston,] but, according to the usage of our Church, it was altogether clerical. It was called in consequence of the protracted absence and feeble health of our late excellent and Venerable Diocesan. His lordship was too far gone in the disease \* \* \* to examine and approve of our proceedings, which were all sent for his consideration, but they did not on that account fall to the ground."

### III.—BRIEF CHRONOLOGICAL RECORD OF THE CHURCH OF ENGLAND IN UPPER CANADA UNTIL THE FIRST MEETING OF SYNOD IN 1851.

1786.—First Church of England Clergyman (Rev. Dr. Stuart) came into Upper Canada.

1792.—Two Clergymen arrived in the Province from England, Rev. Robert Addison became missionary at Niagara, and Chaplain to the Indians at Grand River; and Rev. M. Pollard missionary at Amherstburg.

1799.—Bishop (then Mr. John) Strachan arrived in Canada, 31st December.

1803.—Mr. Strachan ordained Deacon on the 2nd May.

1804.—Rev. Mr. Strachan ordained Priest on the 3rd June, and appointed to the Mission of Cornwall.

1812.—Rev. Dr. Strachan appointed Rector of York.

1816.—Rev. Ralph Leeming, missionary at Barton.

1818.—Rev. Dr. Strachan appointed a member of the Executive and Legislative Councils of Upper Canada.

1819.—Rev. W. Leeming became missionary at Chippawa.

1823.—Rev. Mr. (now Bishop) Bethune commenced his ministry in Upper Canada.

1827.—Rev. Dr. Strachan appointed Archdeacon of York.

1829.—Rev. Mark Burnham commenced his ministry in U. C.

1830.—“Society for Converting and Civilizing the Indians, and Propagating the Gospel among Destitute Settlers in Upper Canada,” formed at York, 29th October.

1831.—Rev. S. Givins (now Rural Dean) commenced his ministry in U. C.

1831.—Rev. G. Archibald, Missionary at North Shore of Lake Huron—Mr. Cameron, his successor, appointed the Society’s first Catechist at La Cloche, and afterwards at Sault Ste. Marie. Rev. T. O’Brien appointed Missionary at River St. Clair.

1832.—Rev. Arthur (now Archdeacon) Palmer, M.A., commenced his ministry in U. C.

1832-3.—Rev. William McMurray, (now Rural Dean), appointed to succeed Mr. Cameron as Society’s Catechist at Sault Ste. Marie—Rev. A. Elliott, appointed Travelling Missionary, the Home District, etc.

1833.—Rev. Dr. (now Archdeacon) Fuller commenced his ministry in U. C.

1834.—Rev. J. G. Geddes, M. A., (now Rural Dean) commenced his ministry in U. C.

1835.—Rev. H. J. Grasett, B.D., (now Dean of Toronto,) commenced his ministry in U. C.

1835.—Fifty-seven Rectories established by Sir John Colborne and endowed with 400 acres each.

1836.—Rev. Dr. Scadding commenced his ministry in U. C.

1836.—Diocesan Visitation in October, under the two Archdeacons [York and Kingston], Bishop being too ill.

1837.—Rev. F. L. Osler, M.A., commenced his ministry in Upper Canada.

1837.—Rev. Dr. Strong commenced his ministry in U. C.

1838.—Rev. Dr. O'Meara commenced his ministry in U. C.

1839.—Diocese of Toronto formed out of that of Quebec, and the Honorable and Rev. Dr. Strachan appointed its first Bishop.

1841.—Bishop Strachan's Primary charge delivered, in St. James's Cathedral, Toronto, 9th September.

1841.—Theological Seminary established at Cobourg under Rev. Dr. (now Bishop) Bethune.

1842.—The Church Society of the Diocese of Toronto established on the 28th April, as recommended in the Bishop's Primary charge.

1843.—Act to Incorporate the Church Societies of the Diocese of Quebec and Toronto, 9th December; assented to 23rd May, 1844; and assent proclaimed by the Governor General, 27th June, 1844.

1845.—£5000 sterling given to the Bishop of Ripon to build a free "Church in the Diocese of Toronto, to be called the Church of the Holy Trinity."

1847.—Rev Dr. (now Bishop) Bethune appointed Archdeacon of York.

1849.—Archdeacon Bethune delivered his Primary charge throughout the Archdeaconry, September 6-25.

1850.—Rural Deans first appointed by the Bishop.

1851.—University of Trinity College founded by the Bishop.

1851.—First Synodical Meeting of Clerical and Lay Representatives, Diocese of Toronto, held in Toronto.

1854.—Commutation of the Stipends of the Clergy effected.

IV.—ANALYSIS OF THE BISHOP'S CHARGES,  
FROM 1841 TO 1851, INCLUSIVE—WHEN THE MEETINGS OF  
SYNOD BEGAN.

BISHOP STRACHAN'S PRIMARY CHARGE, 1841.

[**NOTE.**—The late Bishop Strachan, having been appointed to the See of Toronto in 1839, delivered his primary charge to the Clergy of the Diocese, in the Cathedral Church of St. James, on the 9th of September, 1841. The chief topics discussed in the charge were as follows :

1. History of the Diocese from 1786 to 1841.
2. Visitations of the parishes from May to October, 1840.
3. Settlement of the Clergy Reserve question in 1840.
4. Obligation resting on the 30,000 families in the Diocese to contribute to Church objects.
5. “Permanent provision for a Church establishment must now be thought of.”
6. What the Church of England is doing elsewhere—The difficulties she encounters.
7. The Church of England is essentially Missionary, Catholic and Apostolic.
8. Facility with which ministers “should be able, on the shortest notice, to address, with effect, a congregation on the leading doctrines,” etc.
9. Observance of the Rubrics; the clerical habit; Baptism, and the Churching of women.
10. Catechising and Sunday School teaching.
11. Opposition to the proposed introduction of the “Vicious system of education, which has been repudiated in England.”
12. The two great Church Societies should be encouraged, viz., Propagation and Christian Knowledge Societies; branches to be established in parishes, etc.
13. Advantage of annual meetings of the clergy; Diocesan Synods; admission of the laity “for ecclesiastical purposes is altogether without the sanction of antiquity.”
14. “The Press as a means of counteracting error and diffusing religious knowledge.”—“The Church” newspaper commended.

TRIENNIAL VISITATION, 1844.

Chief topics of the Charge:—1. Establishment by the Bishop of Branches of the Church Society throughout the Diocese in 1842. 2. State of the Indian Missions. 3. Diocese in some degree a moral waste. 4. Church Societies of the Mother Country. 5. Establishment and progress of the Diocesan Church Society. 6. Characteristics of the Church of England. 7. The Church not an offset from the Church of Rome. 8. The

Public services of the Church of England : (1) Prayer ; (2) Reading of the Scriptures ; (3) Sacraments of Baptism and the Lord's Supper. 9. Directions of the Clergy on conducting of the Services : (1) Dress and appearance ; (2) Rubrics ; (3) Reading of the Scriptures, Psalms, &c. ; (4) Doxology ; (5) Music ; (6) Registers. 10. Suggestions on Preaching. 11. Regular observance of the prescribed holidays, and saints' days, where practicable. 12. Necessity and value of pastoral visits. 13. Establishment of Sunday School and Lending Libraries. 14. Objections to the system of secular education. 15. Baptized members of the Church to be frequently looked after. 16. Question of the validity of Lay-baptism—Convocations of 1575 and 1604. 17. The rite of Confirmation. 18. Value of the Theological Seminary at Cobourg. 19. Aspect of the Times: want of Christian faith and elevation of principle ; Loyalty ; faction and party spirit ; political advantages of Canada. 20. Employment of the press to defend ourselves ; "The Church" newspaper. 21. The Oxford writers ; (1) Private Judgment ; (2) Tradition. 22. Churches and Pews, provision for the poor. 23. Statistical Table showing the state of the Diocese from returns made to the Bishop in June, 1844.

#### THE CHARGE OF 1847.

The chief topics discussed by the Bishop were :—1. Spiritual destitution of the Diocese—Cobourg Theological College, and increase of the Clergy. 2. Narration of the visitation of every mission in the Diocese. 3. Progress of the Church Society—what could yet be done—examples. 4. Munificent grant to erect the Church of the Holy Trinity. 5. What has been done in parts of the Diocese. 6. Clergy Reserve Fund has "for the first time" yielded a small surplus in 1845 and 1846. 7. "Nursing care in this Diocese" of the two great Church Societies of England—other helps. 8. Disputes "as to certain diversities in the celebration of Divine Service." 9. The Reformation—historical retrospect. 10. Want of veneration for sacred things and the "same wild spirit" in social life—compensation. 11. Manner in which we are to cultivate the field assigned to us. 11. Nature and constitution of the Church of God ; binding authority of our articles, creeds and Prayer book. 13. Weapons of defence against Romanism and dissent —characteristics of both systems.

## V.—ANALYSIS OF THE PROCEEDINGS OF THE SYNOD, FROM 1851 TO 1871 INCLUSIVE.

The *First* meeting of the Clergy and Laity of the Diocese Diocese of Toronto, (then embracing the present Dioceses of Toronto, Huron, and Ontario,) was held (in connection with the Bishop's Triennial Visitation of the Clergy,) in the City of Toronto, on the 1st of May, 1851. There were present one hundred and twenty-seven Clergy, and also one hundred and twenty-five Lay Representatives of Parishes elected at the suggestion of the Bishop. Though not yet constituted as a Synod, yet it may be regarded as the first meeting of the Clergy and representative Laity for Synodical action. The Rev. J. Gamble Geddes, B.A., Rector of Hamilton, was appointed Secretary, on behalf of the Clergy, and Dr. James Bovell, on behalf of the Lay representatives. The chief topics discussed in his charge by the Bishop were as follows: 1. Absence in England—Visitation of the Diocese. 2. Appointment of ten Rural Deans. 3. Theological Seminary at Cobourg. 4. Division of the Diocese into two or more bishoprics. 5. Discussion of the Gorham case. 6. Decisions of the Judicial Committee of the Privy Council. 7. Papal aggression in England. 8. Church of England seceders to Rome. 9. Two recent despatches on the Clergy Reserves. 10. Discussion of the voluntary principle. 11. Duty of the Clergy “to teach our people energy, self-reliance and enterprise in the cause of religion;” preaching, pastoral visits, various ministrations. 12. Discussion of the Public School system. 13. Object of calling together the Clergy and Laity. After delivering his charge, two questions were proposed by the Bishop for the consideration of the meeting, as follows:—1st. Shall we, the Church of the Diocese of Toronto, take any steps to protect her property and endowments? 2nd. Shall we apply for permission from the Crown to hold Diocesan Synods or Convocations? These questions were answered in the affirmative, and the meeting adjourned on the 2nd of May.

2. The *Second* meeting of the Synod for the Diocese was held, in connection with the Bishop's Triennial Visitation of the Clergy, in the City of Toronto, on the 12th of October, 1853. One hundred and twenty Clerical members were present, and one hundred and five Lay representatives. The Rev. J. Gamble Geddes, B.A., and Rev. Thomas S. Kennedy, were appointed Secretaries on behalf of the Clergy, and Dr.

Bovell and H. Gates, Esq., on behalf of the Laity. Of this meeting, the Bishop in his address before the Synod in June, 1857, says, "The first act of this Second Conference was to declare itself a Synod." The following were the chief matters referred to by the Bishop in his charge:—1. Visitation of the Diocese 1851-1853. 2. Establishment of Trinity College. 3. Division of the Diocese. 4. The Public School system of the Province; Separate Schools; Free Schools. 5. Necessity and value of Sunday Schools. 6. Pastoral visiting from house to house. 7. Public Worship and Preaching. 8. Controversy with Rome. 9. Colonial Church Regulation Bill. 10. The Clergy Reserves, "total change in the policy of dealing with the Church property in Canada." 11. Third Jubilee of the Propagation Society of England. 12. Deaths of Rev. S. Armour, Rev. J. C. Taylor, M.A. and Rev. Geo. Bourne. The Synod adjourned on the 13th of October.

3. The *Third* meeting of the Synod was held in Toronto, on the 25th of October, 1854. Ninety-six Clerical members were present, and one hundred and fourteen Lay delegates. The Rev. J. Gamble Geddes, B.A., was appointed Clerical Secretary, and Dr. Bovell Lay Secretary. The chief subjects referred to in the Bishop's address to the Synod were:—1. An account of his visitations throughout the Diocese, especially to Manitoulin Island and Garden River. 2. Subjects for the consideration of Synod, viz., (1) A Constitution; (2) A Clerical Sustentation Fund; (3) Church of England Separate Schools; (4) "What course is it expedient for the Synod to take in this crisis of the Church property." 3. Historical sketch of the Clergy Reserve question. 4. Appeal to take prompt action, and not to be "thrown off our guard by the superior position which we now occupy." Of this meeting the Bishop in his address of June, 1857, says, "A constitution was framed, and a declaration affixed to it, which has met with much favor throughout the Church. The subject of ecclesiastical discipline, in regard to the Clergy and Laity, was also considered and discussed at some length." The Synod adjourned on the 27th of October.

4. The *Fourth* meeting of the Synod did not take place until the 1st of May, 1856. A commutation by the Clergy to the Church Society of their capitalized shares in the Clergy Reserve Fund, took place in the meantime. One hundred and thirty-nine Clerical members, and two hundred and ten Lay delegates were present. The Rev. J. Gamble Geddes,

B. A., and Dr. Bovell, were appointed Secretaries. The Bishop, in his address to the Synod, referred with pride to the "noble and disinterested act" of the Clergy, in consenting to commute their Clergy reserve stipends, whereby £188,342 sterling were received by the Church from the Government. The other matters brought before the Synod were:—2. An account of his visitations, including one to the Kingston Penitentiary, where he baptized 60 inmates and confirmed 86. 3. Deaths of Rev. Wm. Greig, and Rev. J. R. Tooke. 4. Reference to the proceedings of Synod in 1851 and 1853. 5. Division of the Diocese, in the ~~western~~ portion of which "great progress was made" in raising the endowment, while in the eastern it was different, and it was "found useless to proceed" with it. 6. Amendments to the Constitution. 7. Bishop Hobart on the power of the Bishop in Synod; his authority provided for in the constitution of the several colonial Synods, and secured to us by the colonial secretary. 8. Resignation of the east and west portion of his Diocese placed in the hands of the Archbishop of Canterbury, by the Bishop, "to be used as soon as the new Bishops are appointed." Of this meeting, the Bishop in his address of 1857, says, "The principal matter which occupied our attention during the session was the petition to the Legislature for a bill to remove doubts respecting the action of the Synod, and in this we were successful. But being one of these measures which are reserved for the special consideration of her Majesty in Council, it had to be transmitted to England. The Church members in our Eastern [Australian] colonies, who were suffering under the same disabilities as ourselves, followed our example; and one of them, Victoria, got before us in the race, and obtained a law, while our bill was under the consideration of the Imperial Government, which enables the Bishop, Clergy, and Laity, to provide for the regulation of the affairs of the Church. Had it not been for this precedent, I very much doubt whether our bill would have become law, because it goes much further than the Act for Victoria." The right to elect Bishops was also conceded. "Much important business was taken up and settled, or postponed for further inquiry, and reports received respecting the Episcopal Endowment for the proposed new Diocese of Ontario." The Synod adjourned on the 4th of May.

5. The *Fifth* meeting of the Synod took place (under the authority of the new Act, "To enable the members of the

22 ANALYSIS OF THE PROCEEDINGS OF THE SYNOD, 1851-71.

United Church of England and Ireland, in Canada, to meet in Synod,") on the 17th of June, 1857. One hundred and nineteen Clerical members, and one hundred and fifty-five Lay delegates, were present. The Rev. J. Gamble Geddes, M. A., was appointed Clerical Secretary, and the Rev. T. S. Kennedy, assistant. Dr. Bovell was appointed Lay Secretary. The Bishop in his address, 1. Congratulates the Synod that the Church assembled to day in all her fulness—the Bishop in the midst of his Clergy and his people, under legal authority, to manage her own affairs and to provide for her discipline and extension. 2. Brief review of the meetings of the Synods of 1851-1854, and reference "to the extensive and beneficial effects" which their proceedings "had produced throughout the whole Church at home and in the colonies." 3. Sir W. Molesworth on Diocesan self-government. 4. Division of the Diocese; \$42,000 of the \$50,000 required to endow the new western Diocese collected. 5. Sustentation Fund. 6. "Act to enable members of the Church of England in Canada to meet in Synod,"—Diocesan and Provincial. The principal business transacted at this meeting was the adoption of an address to the Queen, thanking Her Majesty for assenting to the new Act relating to the Synod. Various amendments were also made to the canons already in force. The entire Constitution of the Synod was also revised and republished. The meeting adjourned on the 18th of June.

A meeting of a section of the Synod of the Diocese of Toronto, was held in the City of London, Upper Canada, on the 8th of July, 1857, for the purpose of electing a Bishop for the new Diocese of Huron. Forty-two Clerical members, and sixty-nine Lay representatives of the various parishes in the new Diocese, were present. Secretaries, Rev. J. G. Geddes, M. A., and Dr. Bovell. On the 9th of July the election took place. 45 (twenty-two Clerical, and twenty-three Lay, (votes were given for the Rev. Dr. Cronyn, and 30 (twenty Clerical, and ten Lay) for the Ven. Archdeacon Bethune. The vote for Dr. Cronyn, as first Bishop of the new Diocese of Huron, was afterwards made unanimous. Previously to its adjournment complimentary addresses were adopted by the Synod, and were presented to the venerable Bishop of Toronto, and to the Archdeacon of York.

6. The *Sixth* annual meeting of the Synod of the now circumscribed Diocese was held in Toronto, on the 10th of June, 1858. Eighty-nine Clerical, and eighty-eight Lay members

were present. Rev. Dr. Lett was appointed Clerical, and Dr. Bovell Lay, Secretary. The Bishop in his address refers: 1. To the recent election of Dr. Cronyn as Bishop of Huron, and his consecration at Lambeth. 2. Visitation of the Diocese, especially of the Indian missions at Manitoulin Island and Garden River. The principal business transacted was the consideration of a report on the English Church Canons, as applicable to Canada, and the adoption of Canons on the division and formation of parishes; the constitution of vestries for free churches. Reports on Church Music, the Hymn Book, Separate Schools, and Sustentation Fund, were also considered or adopted. Resolutions were passed relating to Indian Missions, and the increase of candidates for the Christian Ministry; to the observance of the Lord's day, and temperance. Delegates were for the first time appointed to the Provincial Synod. An address of sympathy to the Church in India in connection with the Sepoy mutiny was adopted. The meeting adjourned on the 11th of June.

An adjourned meeting of the Synod was held in the City of Kingston, on the 14th of September, 1858. Eighty-four Clerical, and sixty Lay members were present. In his address, the Bishop referred to, 1. The death of Rev. R. Blakey; to two Acts of Parliament recently passed, (1) An explanatory one relating to the Diocese of Quebec, so as to enable it to take part in the Provincial Synod, (2) To establish a "Church Society" in Huron Diocese. 2. Episcopal Fund for new Diocese at Kingston as yet "falls short." 3. Sustentation Fund. 4. Church Discipline. The chief business transacted was the appointment of various committees, and the adoption of a report on the Sustentation of the Clergy, and on Separate Schools. Resolutions were also passed relating to Registration of Church Deeds, Endowment of Parishes, Temperance, &c. The Synod adjourned on the 16th of September.

7. The *Seventh* annual meeting of the Synod took place in Toronto, on the 7th of June, 1859. One hundred and eleven Clerical, and one hundred and twenty Lay, members attended. The Rev. Dr. Lett was appointed Clerical, and Dr. Bovell Lay, Secretary. The Bishop's address contained a reference to 1. The reply to an expression of sympathy with the Church in India. 2. Expansion of Protestant missions. 3. Pastoral letter of 15th November on a Sustentation Fund. 4. Division of parishes in Hamilton. 5. Church Discipline. 6. Provincial Synod. 7. Appointment of a Metropolitan to be recom-

mended to the Queen. 8. Endowment of the Toronto Diocese recommended. The chief business brought before the Synod this year was:—Reports of Committees on Canons, Endowments, Separate Schools, Divinity Students, Psalms and Hymns, Sustentation Fund, Assessment of Parishes, Building of Parsonages, Lessening of Intemperance, were taken up and adopted. The subject of Sabbath Observance was also considered. A petition to the Queen was adopted, praying Her Majesty to appoint one of the Canadian Bishops as Metropolitan of Canada, to preside over the Provincial Synod. The meeting adjourned on the 10th of June.

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8 The *Eight* annual meeting of the Synod took place in Toronto, on the 12th of June, 1860. One hundred and fifteen clerical, and one hundred and sixteen lay, members were present. The Rev. Dr. Lett was appointed clerical, and Dr. Bovell lay, secretary. The Bishop, in his address, contained a touching reference to his own advancing life, and to the warnings which the removal of venerated members gave him of the "near approach" of his own departure. 2. Death of Rev. F. Evans, D.C.L., and Rev. D. E. Blake, M.A., 3. The rite of Confirmation and his own tour. 4. Detailed sketch of his own career from 1796, "through a vista of 60 years"; his first sermon delivered 57 years before. 5. Progress of the Church. 6. Creeds, and forms of Prayer. 7. The law of marriage. 8. Revision of the Prayer book. The revised by-laws of the Synod with slight amendments, were adopted, also the reports of committees on the sustentation fund, commutation trust, psalms and hymns, divinity students, ministration of religion in gaols and reformatories, and assessment of parishes. A canon providing for the erection of the Bishop's court of discipline was adopted. Resolutions were passed relating to the application of the Christmas offertory, the establishment of a Board of Missions, observance of the Lord's day, &c. The report upon the discrepancies in the celebration of Divine Service, submitted at the previous meeting of the Synod, was again considered and laid over. The Prince of Wales, being on a visit to British America this year, a cordial address of welcome to His Royal Highness ~~the~~ was adopted. The meeting adjourned on the 15th of June. A special session of the Synod was convened in Toronto on the 7th and 8th of September, 1860, to present this address to His Royal Highness.

A special session of a section of the Synod was held in Kingston, on the 12th of June, 1861, for the purpose of elect-

ing a Bishop for the proposed new Diocese of Ontario. The Bishop, in his address, 1. Congratulates "the laity of the proposed Diocese" on their "generous liberality" in regard to the episcopal endowment, and "submits the choice of a new Bishop," to the Synod. 2. Mode of election and proceedings discussed. Fifty-three clerical, and one hundred and eleven lay members of the proposed new Diocese answered to their names. Thirty-one clergy voted for the Rev. Dr. Lewis, and one for the Ven. Archdeacon Bethune. Thirty-nine parishes also voted, by their lay representatives, for the Rev. Dr. Lewis, one for Archdeacon Bethune, and one for the Rev. W. Macaulay. Delegates were elected for the new Diocese to the Provincial Synod. The meeting adjourned on the 13th of June.

9. The *Ninth* session of the Diocese of Toronto, as now constituted, was held in Toronto, on the 25th of June, 1861. Seventy-one clerical, and seventy lay, members were present. The Rev. T. S. Kennedy was elected clerical, and Dr. Bovell lay, secretary. The Bishop's address was wholly taken up with an elaborate "justification of Trinity College from recent attacks made upon that institution." Reports on the building of parsonages, parochial statistics, lay co-operation, and church music, were taken into consideration and acted upon. A resolution expressive of sympathy with the Venerable Bishop and the Provost of Trinity College, was debated, and finally concurred in by a vote of 84, (fifty-four clerical, and thirty lay,) against 24, (fourteen clerical and ten lay,) members; the lay members voting by parishes. Some amendments to the constitution and canons were made. The Synod adjourned on the 20th of June.

10 The *Tenth* session of the Diocese of Toronto, commenced on the 17th of June, 1862. Sixty-nine clerical, and eighty-four lay, members were present. The Rev. T. S. Kennedy and Dr. Bovell were elected secretaries. The Bishop's address contained an account of his visit to the Sault Ste. Marie and Garden River. 2. Reference to the delay in establishing the "the fourth See, or proposed bishopric of Ste. Marie." 3. Election and consecration of Bishop Lewis of Ontario. Amendments were made to the by-laws relating to mission boards and the election of lay delegates to the Synod. An animated discussion on separate schools resulted in the adoption of an affirmative report on the subject by a vote of 74, (Clergy, forty-five, Parishes, twenty-nine,) to 21, (Clergy, nine, Parishes, twelve.)

An extended report on University education, submitted at the previous meeting of the Synod, was taken up and considered, but it was finally withdrawn. The usual reports, as well as resolutions in regard to the mission board, Sunday schools, and parochial statistics, were adopted. A memorial to the legislature was also adopted, praying for the establishment of an asylum for inebriates. The Synod adjourned 20th of June.

11 The *Eleventh* session of the Synod commenced on the 9th of June, 1863. Eighty-five clerical, and one hundred and sixty-six lay, members were present. The Rev. J. Gamble Geddes, M. A., and Dr. Bovell were appointed secretaries. In his address, the Bishop referred to the value of the rite of Confirmation which he had administered during the year. 2. Opening of the first Provincial Synod. 3. Death of Revs. T. S. Kennedy, and E. Dewar, M.A. 4. Bishop Colenso's heresy. Reports on Sunday schools, church music and congregational singing, endowment of See, Clergy trust fund, registration of deeds and an inebriate asylum, were after consideration, adopted. Resolutions on separate schools, and on the revival of the diaconate, were also after considerable discussion, adopted by large majorities. The Synod adjourned on the 12th of June.

12 The *Twelfth* session of the Synod commenced on the 8th of June, 1864. Sixty-five clerical, and eighty-six lay members were present. The Rev. J. Gamble Geddes, M. A., and Dr. Bovell were appointed secretaries. The Bishop reported his confirmation tours. 2. Gratefully acknowledged \$4,000, left by Rev. Wm. Leeming, (43 years rector of Chippewa,) and devoted to the establishment of a "Leeming Mission Fund;" also \$8,000 with which Thos. C. Street, Esq., had endowed the Chippewa parish and enabled him to divide it. 3. The "Oxford declaration" against the "Essays and Reviews" with the names of all the clergy appended forwarded to England, through the Metropolitan. 4. "Essays and Reviews" discussed. Reports on Sunday schools, endowment of see, mission and commutation funds, building and repairing parsonages, registration of deeds, &c., were adopted; other reports were deferred until next year. A resolution condemnatory of a late decision of the judicial committee of the Privy Council, in the case of the Rev. Dr. Williams, was passed, also one relating to temperance. The Synod adjourned on the 10th of June.

13. The *Thirteenth* session of the Synod commenced on the 14th of June, 1865. Eighty clerical, and one hundred lay, members were present. The Rev. J. Gamble Geddes, M. A. and Dr. Bovell were appointed secretaries. In his address, the Bishop refers to, 1. "The continuance of the great and general depression by which this country has been for some time affected." 2. Discusses "the late unhappy judgment of the Privy Council." 3. The "inadequate support of the Clergy, a subject of deep and anxious concern." The usual Report's were presented and received, including special reports on the Church Temporalities Act, the incorporation of the Synod, the election of a Coadjutor Bishop, and the compilation of the Canons and Resolutions of the Synod. A canon providing for the election of a Coadjutor Bishop, was adopted, also resolutions providing for the establishment of a Church School for Girls, and for the selection of a suitable place for a Synod House. The Synod adjourned on the 16th of June.

14. The *Fourteenth* Session of the Synod commenced on the 8th of August, 1866. Seventy-six clerical, and one hundred and eighteen lay members, were present. The Rev. J. Gamble Geddes, M.A., and Dr. Bovell were appointed secretaries. In his address, the Bishop explains how the excitement caused by the Fenian raid at Ridgeway had delayed the assembling of the Synod. 2. Refers to the late "bountiful harvest." 3. The duty of bestowing a liberal support on the Clergy. 4. The Metropolitan of Capetown and the Colenso heresy. 5. Revival of Ritualism. 6. For reasons given, the Bishop urges the election of a Coadjutor Bishop. The usual report's were presented and adopted, also a special one on the incorporation of the Synod. The canon providing for the election of a Coadjutor Bishop was confirmed, and a meeting for that purpose fixed for the 19th of September. A memorial to the Legislature was adopted, praying for the establishment of schools in cities and large towns for poor and indigent children. The Synod adjourned on the 10th of August.

A *Special* Session of the Synod was held on the 19th of September, 1866, for the election of a Coadjutor Bishop. Eighty clerical and one hundred and sixty-three lay members were present. In the absence of the Rev. Mr. Geddes and Dr. Bovell, Rev. Edmund Baldwin, M.A., and S. B. Harman, Esq., D.C.L., were appointed secretaries. After an appropriate address from the Bishop the election was proceeded with.

The votes given for the various candidates were as follows:—

CANDIDATES.	1st Ballot.			2nd Ballot.			3rd Ballot.		
	Total.	Clerical.	Lay.	Total.	Clerical.	Lay.	Total.	Clerical.	Lay.
Ven. Archd. Bethune, D.D., D.C.L.	42	26	16	44	26	18	41	24	17
Rev. Prov. Whitaker, M.A. ....	60	39	21	65	43	22	65	42	23
Rev. Dr. Fuller .....	56	27	29	62	27	35	65	28	37
Rev. H. J. Grasett, B.D. ....	28	14	14	22	11	11	22	13	9
Scattering votes* .....	5	3	2	4	1	3	2	1	1
Lost Lay votes .....	12	..	12	8	..	8	8	..	8
CANDIDATES.	4th Ballot.			5th Ballot.			6th Ballot.		
	Total.	Clerical.	Lay.	Total.	Clerical.	Lay.	Total.	Clerical.	Lay.
Ven. Archd. Bethune, D.D., D.C.L.	37	23	14	36	23	13	39	25	14
Rev. Prov. Whitaker, M.A. ....	64	42	22	66	44	22	69	44	25
Rev. Dr. Fuller .....	69	27	42	72	28	44	62	26	36
Rev. H. J. Grasett, B.D. ....	19	13	6	19	12	7	19	11	8
Scattering votes .....	..	..	..	3	1	2	1	1	..
Lost Lay votes .....	8	..	8	8	..	8	8	..	8
CANDIDATES.	7th Ballot.			8th Ballot.			9th Ballot.		
	Total.	Clerical.	Lay.	Total.	Clerical.	Lay.	Total.	Clerical.	Lay.
Ven. Archd. Bethune, D.D., D.C.L.	38	24	14	45	27	18	100	53	47
Rev. Prov. Whitaker, M.A.* ....	67	42	25	65	37	28	2	1	1
Rev. Dr. Fuller .....	60	23	37	55	21	34	54	22	32
Rev. H. J. Grasett, B.D. ....	18	11	7	20	13	7	13	8	5
Scattering votes .....	2	1	1	..	..	..	9	8	1
Lost Lay votes .....	7	..	7	5	..	5	5	..	5

\* Rev. Provost Whitaker retired after the eighth ballot. The scattering votes were given for Rev. J. Gamble Geddes, M.A., Rev. A. Palmer, M.A., Rev. Dr. Beaven, Right Rev. Bishop Anderson, and Rev. W. F. Checkly, M.A.

On the ninth ballot the Venerable A. N. Bethune, D.D., D. C. L., Archdeacon of York, received the requisite number of votes from both orders, and was declared by the presiding Bishop as duly elected Coadjutor Bishop of the Diocese of Toronto. He was on the 25th January, 1867, consecrated Bishop of Niagara, in the Cathedral Church of St. James, Toronto. The Bishops who took part in this ceremony were those of Toronto, (the presiding and consecrating Bishop), Huron, Ontario, Michigan, and Western New York. The Synod adjourned on the 21st September, 1866.

15. The *Fifteenth Session* commenced on the 11th of June, 1867. Seventy clerical and eighty-seven lay members were present. The Rev. J. Gamble Geddes, M.A., and Dr. Bovell were appointed secretaries. The venerable Bishop of the Diocese delegated to his Coadjutor, the Bishop of Niagara, the duty of presiding over the Synod. In his address, Bishop Bethune reports his visitations. 1. Discusses the state of the "Christian world outside of us:" the Church in the U.S., in our Motherland and in South Africa. 3. Unauthorized practices in the services of the Church in England. 4. "Revival of sound Church feeling in the Mother country" pushed to extremes. 5. Ritualism and its extravagancies. 6. Approaching Pan-Anglican Synod. 7. The mission field and stipends of the clergy. 8. The Church Society. The most important business transacted was the adoption of a memorial to the Provincial Synod on the innovations of ritualism. A fund was provided to enable the Coadjutor Bishop to attend the Pan-Anglican Conference of Bishops in London. The Synod adjourned on the 14th of June.

16. The *Sixteenth Session* of the Synod commenced on the 9th of June, 1868. Ninety-three clerical, and one hundred and sixty-two lay, members were present. The Rev. Mr. Geddes having declined re-election, the Rev. A. J. Broughall, M.A., and Dr. Bovell were appointed Secretaries. The venerable Bishop Strachan having been summoned to his rest on the 1st of November, 1867, Bishop Bethune succeeded him in the See of Toronto. In his opening address he touchingly referred to the decease of the venerated Prelate. 2. Consecration of Christ's Church Cathedral, Montreal. 3. Confirmation tour as far as Fort William. 4. Application made last year to the Propagation Society for "£500 sterling per annum for five years, to aid us in our missionary efforts," as yet unsuccessful. 5. Value of statistical information and brief reports of

missionary incidents, etc. 6. The Pan-Anglican Synod. 7. Novelties in Ritualism. 8. Disendowment in Ireland. 9. Suggestions on public pastoral ministrations. An address of sympathy to the family of the late revered Diocesan was adopted by the Synod. Memorials to the Provincial Synod were also adopted on the subject of ecclesiastical law, and the service for the Burial of the Dead. A memorial to the Legislature on Ragged Schools was adopted, and a petition to the Queen on the disestablishment of the Irish Church. A canon on Church property was passed. A memorial in the shape of a resolution was adopted, urging the Provincial Synod to give its early and best attention to the subject of the appointment of a Missionary Bishop to the Indians. A petition to the Governor General and Legislature, on the subject of an Inebriate Asylum for the Province, was adopted. The Synod adjourned on the 12th of June.

17. The *Seventeenth Session* of the Synod commenced on the 15th of June, 1869. It was the first held under the Act incorporating with it the Church Society of Toronto. One hundred and four clerical, and one hundred and sixty lay, members were present. In the absence of the Rev. Mr. Broughall, the Rev. C. J. S. Bethune, M. A., was appointed Clerical Secretary, and Dr. Bovell, Lay Secretary. The Bishop in his address, referred to the absorption of the Church Society with the now Incorporated Synod of the Diocese. 2. Death of the excellent Metropolitan, and the amiable Primate Longley. 3. Memoir of the late Bishop. 4. Bishop Strachan School. 5. Confirmation tours. 6. Duty of furnishing the statistical information asked for. 7. Variations in the performance of Divine Service. 8. Marriage and Divorce. 9. Mission work hindered by unwise suspicions and distrust. The chief business before the Synod was the adoption, temporarily, of a constitution under the Act of incorporation, and the discussion of various resolutions on the patronage of the Rectories. Rev. Dr. Lett submitted several resolutions on the increase of the Episcopate, which were entered on the minutes. The Synod adjourned on the 22nd of June.

18. The *Eighteenth Session* of the Synod commenced on the 21st of June, 1870. One hundred and fifteen clerical, and one hundred and seventy-one lay, members were present. The Rev. C. J. S. Bethune, M.A., and (in the absence of Dr. Bovell,) Dr. Hodgins were appointed secretaries. The Bishop's address was devoted to a brief review of the past year's

work. 2. Urgency for more earnest missionary feeling. 3. Death of Rev. J. Sims and Rev. S. B. Ardagh, M.A. 4. Clerical stipends inadequate. 5. Mutual concession, mutual confidence, and mutual indulgence necessary. 6. The Patronage Question discussed. 7. Bishop Strachan School. 8. Provincial Hymnal. The principal items of business before the Synod were, the adoption of a permanent Constitution under the Act of Incorporation; the discussion of the Rectory-Patronage question; determining the amount of stipends of Missionaries; authorizing the establishment of a Diocesan Sunday School Association; providing for an annual Diocesan Missionary Meeting as part of the Synod business; discussions on the Clergy Trust Commutation Report, and the Executive Committee's Report on the Bishop Strachan School. The Synod adjourned on the 28th of June.

19. The *Nineteenth* Session of the Synod commenced on the 20th of June, 1871. One hundred and sixteen clergymen and one hundred and fifty-one lay representatives were present. The Rev. C. J. S. Bethune, M.A., was appointed clerical, and J. George Hodgins, Esq., LL.D., lay secretary. In his address, the Bishop reviewed the progress of the year. 2. Deaths of Rev. B. C. Hill, M.A., and Rev. J. Pentland. 3. Confirmation tour. 4. Healthful progress of the Church. 5. Increased stipends. 6. Diocesan Mission Board By-law. 7. Lay helpers. 8. Patronage question. 9. Success of the Sunday School Convention. 10. Secret societies within the Church objectionable. 11. Prayers for the dead. 12. The new translation of the Bible. 13. The new Lectionary. The chief business before the Synod was, the adoption of a by-law on Patronage of the Rectories; one on the Diocesan Mission Fund, and Widows and Orphans Fund; a memorial on Missionary Bishops, on Lay Readers, and on the Increase of the Diaconate, etc. The Synod adjourned on the 24th of June.

6. GENERAL STATISTICAL SUMMARY  
OF THE MEETINGS OF SYNOD, FROM 1851 TO 1871, INCLUSIVE.

Session.	Year.	Date.	Place.	Members Present.	Secretaries of Synod.		Treasurer.
					Clg.	Lay.	
1	1851	May 1, 2..	Toronto..	127	127	Rev. J. G. Geddes..	Dr. Bovell..
2	1853	Oct. 12, 18.	"	120	15	" T. S. Kennedy	"
3	1854	Oct. 25, 27.	"	96	114	H. Gates...	None appointed.
4	1855	May 1, 2....	"	139	210	" J. G. Geddes ..	G. W. Allan.
5	1857	June 17, 18..	"	119	155	" T. S. Kennedy.	"
6	1858	June 10, 11..	London*.	89	88	" Dr. Lett.....	"
	"	Sept. 14, 16	Toronto..	84	80	"	"
7	1859	June 7, 1..	Kingston..	111	129	"	J. W. Brent.
8	1860	June 12, 15..	Toronto..	115	116	"	"
	"	Sept. 7, 8..	"	115	116	"	"
9	1861	June 12, 13..	Kingston*.	58	111	"	"
10	1861	June 22, 27..	Toronto ..	71	70	T. S. Kennedy.	"
11	1862	June 17, 20..	"	69	84	"	"
12	1863	June, 9, 12..	"	63	166	J. G. Geddes	"
13	1864	June 8, 10..	"	65	86	"	"
14	1865	June 14, 16..	"	80	100	"	"
15	1866	August 8, 10..	"	76	118	"	"
16	1866	Sept. 19, 21..	"	80	188	E. Baldwin....	S.B. Harman
17	1867	June 11, 16..	"	70	87	J. G. Geddes....	Dr. Bovell ..
18	1868	June 9, 12..	"	93	182	A. J. Broughall.	"
19	1869	June 15, 22..	"	104	160	C. J. S. Bethune	"
20	1870	June 21, 25..	"	115	171	"	W.P. Atkinson.
21	1871	June 26, 30..	"	116	151	Dr. Hodgins	"

\* Special session of a section of the Synod for the election of a Bishop for the new Dioceses of Huron and Ontario respectively, and for the election of a Coadjutor Bishop of the Diocese of Toronto.

## P A R T   I I .

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### CHAPTER I.

#### Declaration of British North American Bishops.

*(Being Minutes of a Conference of the Bishops of Quebec, Toronto, Newfoundland, Fredericton, and Montreal, holden at Quebec, from September 24th to October 1st, 1851.)*

##### 1. PRELIMINARY STATEMENT.

We, the undersigned Bishops of the North American Colonies in the Province of Canterbury, having had opportunity granted to us of meeting together, have thereupon conferred with each other respecting the trust and charge committed to our hands, and certain peculiar difficulties of a local nature which attach to the same.

We desire, therefore, in the first place, to record our thankfulness that we have been so permitted to assemble, and our sense of the responsibility lying upon us before God and the world to promote the glory of His great name, to advance the Kingdom of His Son, to seek the salvation of immortal souls, and, what we feel to be inseparably united with these objects, to establish and extend, wherever there is a demand for her services, the system, the teaching, the worship, and the ordinances of the United Church of England and Ireland.

We feel that, in the prosecution of this great work, we are surrounded by many discouragements, embarrassments and hindrances, which, by the grace of God, we are prepared patiently to encounter, and, while they may be appointed to continue, patiently to endure, but for which, nevertheless, it is our duty to seek all lawful remedy, if such remedy is to be found.

We have therefore prepared the statement which follows, of our views in relation to these subjects of our care and solicitude; and we desire to commend it to the favourable consideration of our Metropolitan, his Grace the Lord Archbishop of Canterbury, in the hope that he may be moved to

assist us in obtaining relief from those evils of which we have to complain, as well as to counsel us in the disposal of questions which come before us in the exercise of our Episcopal duties.

## II. CONVOCATION IN DIOCESAN AND PROVINCIAL SYNODS.

In consequence of the anomalous state of the Church of England in these Colonies, with reference to its general government, and the doubts entertained as to the validity of any code of Ecclesiastical Law, the Bishops of these Dioceses experience great difficulty in acting in accordance with their Episcopal commission and prerogatives, and their decisions are liable to misconstruction, as if emanating from their individual will, and not from the general body of the Church; we therefore consider it desirable, in the first place, that the Bishops, Clergy and Laity of the Church of England in each Diocese should meet together in Synod, at such times and in such manner as may be agreed. Secondly, that the Laity in such Synod should meet by representation, and that their representatives be communicants. Thirdly, it is our opinion that, as questions will arise from time to time which will affect the welfare of the Church in these Colonies, it is desirable that the Bishops, Clergy and Laity, should meet in council under a Provincial Metropolitan, with power to frame such rules and regulations for the better conduct of our ecclesiastical affairs by the said council may be deemed expedient. Fourthly, that the said council should be divided into two houses, the one consisting of the Bishops of these several dioceses under their Metropolitan, and the other of the presbyters and lay members of the Church assembled (as before mentioned) by representation.

Upon these grounds it appears to us necessary that a Metropolitan should be appointed for the North American Dioceses.

## III. CONDITIONS OF CHURCH MEMBERSHIP.

Doubts being entertained as to who are to be regarded as members of the Church of England in these Colonies, and as such, what are their special duties and rights, we are of opinion that Church Membership requires (1) admission into the Christian covenant by holy baptism, as our Lord commanded, "in the name of the Father, and of the Son, and of the Holy Ghost;" (2) that all Church members are bound, according to their knowledge and opportunities, to consent

and conform to the rules and ordinances of the Church, and (3) according to their ability, and as God hath blessed them, to contribute to the support of the Church, and especially of those who minister to them in holy things. Upon the fulfilment of these duties, they may, as Church Members, claim at our hands, and at the hands of our Clergy generally, all customary services and ministrations.

We cheerfully recognise the duty and privilege of preaching the Gospel to the poor, and of allowing to those who can make us no worldly recompense the same claim upon our services, in public and in private, which we grant to the more wealthy members of our flock.

We are further of opinion that Church Members in full communion, are those only who receive, with their brethren, the Sacrament of the Lord's Supper, at the hands of their lawful ministers- as directed and enjoined by the Canons and Rubrics of our Prayer Book. Persons chosen as representatives of any parish or mission to attend any Synod or Convocation, should in every case be members of the Church in full communion

#### IV. CANONS OF 1603-4.

Although it is confessedly impossible under existing circumstances to observe all these Canons, yet we are of opinion that they should be complied with so far as is lawful and practicable. But inasmuch as the retention of rules which cannot be obeyed is manifestly inexpedient, and tends to lessen the respect due to all laws, we hold that a revision of the Canons is highly desirable, provided it be done by competent authority.

#### V. ARTICLES AND FORMULARIES—DOCTRINAL STANDARD.

Whereas the multiplication of sects, among those who profess and call themselves Christians, appealing to the same Scriptures in support of divers and conflicting doctrines, renders a fixed and uniform standard and interpretation of Scripture more than ever necessary, we desire to express our thankfulness to Almighty God for the preservation of the Book of Common Prayer, our entire and cordial agreement with the Articles and Formularies of our Church, taken in their literal sense, and our earnest wish (as far as in us lies) faithfully to teach the doctrines and to use the offices of our Church in the manner prescribed in the said book. And we desire that all the members of our Church should accept the

teaching of the Prayer Book, as, under the guidance of the Holy Spirit, their best help in the understanding of Holy Scripture, and as the ground-work of the religious education of their children.

#### VI. A BISHOP MAY AUTHORIZE DIVISION OF THE MORNING SERVICE.

We are of opinion that the Bishop, as ordinary, may authorize the division of the Morning Service, by the use of the Morning Prayer, Litany, or Communion Service, separately, as may be required; but that no private Clergyman has authority, at his own direction, to abridge or alter the Services or Offices, or to change the Lessons of the Church.

#### VII. UNIFORMITY OF PSALMS AND HYMNS.

Whereas the multiplication in Churches of different Hymn Books, published without authority, is irregular in itself, and has a tendency to promote division among us, we are of opinion that a judicious selection of Psalms and Hymns by competent authority would tend much to the furtherance of devotion and to the edification of pious churchmen.

#### VII. UNIFORMITY OF PRACTICE AT THE OFFERTORY.

We are opinion that it is desirable and seemly, and would tend to a uniformity of practice among us, that whenever a collection is made after Sermon, in time of Morning Prayer, the offertory sentences should be read, and the prayer for the Church Militant should be used.

#### IX. HOLY COMMUNION.—CERTIFICATES OF MEMBERSHIP ON REMOVAL.

We hold it to be of great importance that the Clergy should attend to the directions of the Rubric which precede the administration of the Holy Communion, respecting "open and notorious evil lives, and those who have done wrong to their neighbors by word or deed, and those also betwixt whom they perceive malice and hatred to reign," and that members of the Church should signify to the Minister their intention to present themselves at the Holy Table, especially when they arrive in any place as strangers, or when, being residents in such place, they are purposing to communicate for the first time. We conceive that it would greatly promote the wel-

fare of the Church if our members, who may be travelling from one place to another, were furnished with a certificate of their membership and of their standing in the Church.

#### X. MARRIAGES WITHIN THE PROHIBITED DEGREES.

We hold that a Clergyman knowingly celebrating marriage between persons who are related to each other within the prohibited degrees, set forth in a table of degrees published by our Church in the year of our Lord God, 1563, is acting in violation of the laws of God and of the Church, and is liable to censure and punishment; and that persons who contract such marriages should not be admitted to the Holy Communion, except upon repentance and putting away their sin. And we recommend that the aforesaid "Table of Prohibited Degrees" should be put up in every Church in our Dioceses. We are further of opinion that injustice is done our Church in withholding from our Bishops the power of granting Marriage Licenses which is exercised by the Bishops of the Roman Catholic Church; and that in several Dioceses great irregularities, and grieved evils prevail, in consequence of the defective state of the Marriage Law. We also hold that the Clergy of our Church should abstain from celebrating a marriage between persons, both of whom professedly belong to another communion, except in cases where the services of no other Minister can be procured.

#### XI. PARISH REGISTERS SHOULD BE KEPT.

We would earnestly recommend to the Clergy of our Dioceses (even though it should not be required by the civil law) to keep accurate Registers of Marriages, Baptisms, and Burials, in their several Parishes or Missions.

#### XII. INTERCOMMUNION WITH OTHER REFORMED EPISCOPAL CHURCHES.

We are of opinion that it is much to be desired that there should be no let or hindrance to a full and free communion between ourselves and other Reformed Episcopal Churches; and therefore that where we derive our orders from the same source, hold the same doctrines, and are virtually united as members of the same body of Christ, these impediments which (as we are advised) are now in force through the operations of the civil law, ought to be removed.

## XIII. EDUCATION.

(a) *General.*

Whereas systems of education are very generally introduced and supported in these Colonies, either (1) excluding religious instruction altogether from the schools, or (2) recognizing no distinction between Roman Catholics and Protestants; whereby no opportunity is afforded us of bringing up the children of our communion in the special doctrines and duties of our faith, to the manifest depravation of their religious principles, and with crying injustice to the Church of England, we desire to express our decided conviction:

1. That all education for the members of our Church should be distinctly based on the revealed religion of the Old and New Testaments, with special reference to their duties and privileges as by baptism regenerate, and made God's children by adoption and grace.

2. That all lawful and honourable methods should be adopted to move the Colonial Legislatures to make grants to the Church of England as well as to the Roman Catholics, and other religious bodies, as they may require it, and according to their numbers respectively, for the education of the members of their own communion.

(b) *Sunday Schools.*

1. We desire to express our sense of the importance, in the existing state of the Church, of Sunday schools, especially in large towns, and we thankfully acknowledge the benefits which have resulted from the labors of pious teachers both to themselves and their scholars, under proper direction and superintendence. In every possible case, the Sunday schools should be under the personal direction and superintendence of the Minister of the parish or district: or otherwise the Minister should appoint the teachers, choose the books, and regulate the course of instruction; that there be no contradiction between the teaching of the school and the Church, all Sunday scholars should be instructed in the Church Catechism, and regularly taken to Church.

2. We would carefully guard against the assumption that instruction in the Sunday school, even by the Minister of the parish, may be allowed to supersede the directions of the Rubrics and Canons, and on the duty of catechizing in Church; for we distinctly recognize and affirm as well the great importance, as the sacred obligation, of those directions.

(c) *Schools for the Higher Classes.*

Schools for the higher classes of both sexes are much required, with particular reference to assisting the Clergy in the education of their own children.

(d) *One University for British North America.*

Although we consider it of great importance that each Bishop should connect with his Diocese some college or like institution for the special training and preparation of young men for the Ministry of the Church; we believe that one University for the North American Provinces, with foundations for each Diocese, on the model of the two great Universities, will be required to complete an educational system, as well for lay students in every department of literature and science, as for the students in theology and candidates for the sacred Ministry.

(e) *Training for the Ministry.*

In addition to the general studies pursued in the college or university, we deem it highly desirable that candidates for the Ministry should apply themselves, under competent direction, to a systematic course of reading in theology for at least one whole year, or longer if possible, previous to their taking holy orders; and that they should likewise be instructed in the duties of the pastoral office, in correct reading and delivering of sermons, in church music, architecture, &c.

(f) *Diocesan and Parochial Libraries.*

We deem it very desirable also that libraries should be formed in every Diocese under the direction of the Clergy, both for the Clergy themselves and for their parishioners.

#### XIV. THE ORDER OF DEACONS.

We would wish to discontinue the practice which the necessities of the Church have sometimes forced upon us, of entrusting large independent spheres of duty to young and inexperienced men in Deacon's Orders, deeming it desirable that every Deacon should, if possible, be placed under the direction of an experienced Priest.

#### XV. MAINTENANCE OF THE CLERGY BY THE PEOPLE.

While we hold it to be the duty of Christian governments to maintain inviolate whatever endowments have been lawfully and religiously made for the establishment, support, or extension of the Christian religion; and while we acknowledge, with heartfelt gratitude, the aid given to our missions by the

*Venerable Society for the Propagation of the Gospel in Foreign Parts*, to whose fostering care and bounty the Church in these Colonies owes, under God, its existence and means of usefulness, we desire to record our conviction that the Ordinances of the Church will never be rightly valued, nor its strength fully developed, until the people, for whose benefit the Clergy minister in holy things, furnish a more adequate support to the institutions and to the Clergy of their Church.

Further, as the Society, in consequence of numerous and increasing claims in all parts of the world, is compelled gradually to withdraw its aid, we desire to impress on all our flocks the duty of fulfilling their obligations in respect of the payment of their Ministers; and with a view to this object, we recommend that the Churchwardens in each parish or mission should furnish every year to the Bishop a written return, duly certified by themselves and the Clergyman, of the sums paid to his support for the current year.

#### XVI. CONCLUSION.

Lastly, while we acknowledge it to be the bounden duty of ourselves and our clergy, by God's grace assisting us, in our several stations, to do the work of good evangelists, yet we desire to remember that we have most solemnly pledged ourselves to fulfil this work of our ministry, according to the doctrine and discipline of the Church of England, and as faithful subjects of Her Most Gracious Majesty Queen Victoria, "unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes doth appertain, and is not, nor ought to be, subject to any foreign jurisdiction." And we cannot forbear expressing our unfeigned thankfulness to Almighty God that he has preserved to us, in this branch of Christ's Holy Church, the assurance of an Apostolic commission for our Ministerial calling; and together with it, a confession of pure and Catholic truth, and the fulness of sacramental grace. May He graciously be pleased to direct and guide us all in the use of these precious gifts, enable us to serve him in unity of spirit, in the bond of peace, and in righteousness of life, and finally bring us to His Heavenly Kingdom, through Jesus Christ our Lord.

(Signed,)     

G. J. QUEBEC.

JOHN TORONTO.

EDWARD NEWFOUNDLAND.

JOHN FREDERICTON.

F. MONTREAL.

## CHAPTER II.

## Declaration of the Canadian Bishops,\*

*In First Provincial Synod Assembled, 1861.*

## I.—PRELIMINARY DECLARATION.

We, the Bishops of the United Church of England and Ireland, within the Province of Canada, together with the Delegates from the Clergy and Laity of the Diocesan Synods, now assembled in the first Synod under Royal and constitutional authority, and intending under God's blessing and guidance to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Province, desire to express our hearty and humble thanks to Almighty God, that it has pleased Him in His Providence to set over us a Metropolitan, and thus enable us, as in the ancient days, to assemble as one body, under the direction of His Holy Spirit, whose aid we now invoke, in the name of His only begotten Son, for the consolidation and advancement of His kingdom in this Province.

## II.—UNITY OF THE CHURCH—HER DOCTRINAL STANDARDS.

Before entering on the business for which we are at present assembled, we desire publicly to declare the principles upon which we propose to proceed.

We desire the Church in this Province to continue, as it has been, an integral portion of the United Church of England and Ireland.

As members of that Church, we recognize the true Canon of Holy Scripture, as set forth by that Church, on the testimony of the Primitive Catholic Church, to be the rule and standard of faith; we acknowledge the Book of Common Prayer and Sacraments, together with the Thirty-nine Articles of Religion, to be a true and faithful declaration of the doctrine contained in Holy Scripture; we maintain the form of Church government by Bishops, Priests, and Deacons, as Scriptural and Apostolical; and we declare our firm and

\* Viz., : The Bishops of Montreal, Quebec, Toronto, Huron and Ontario.

unanimous resolution, in dependence on Divine aid, to preserve those doctrines and that form of government and to transmit them to our posterity.

In particular we maintain the ancient doctrine of our Church, that the Queen is rightfully possessed of the chief government and supremacy over all persons within her dominions, whether ecclesiastical or civil, as set forth in the 37th of the Articles of Religion; and we desire that such supremacy should continue unimpaired.

### III. SUBJECTS OF SYNODICAL ACTION.

It is our earnest desire and determination to confine our deliberation to matters of discipline, to the temporalities of the Church, and to such regulations of order or modes of operation, as may tend to her efficiency and extension; and we desire no control or authority over any but those who are or shall be members of the same Church.

We conceive that the following, or such like objects, may fitly come under our consideration, and to action on our part:

1. To form a Constitution for this Synod, and to regulate the time and place of the meetings, and the order and manner of its proceedings.
2. To provide for the proper exercise of ecclesiastical discipline, in regard to both Clergy and Laity, by modifying and enacting Canons, and by establishing and ordering a Court of Appeal.
3. To provide, with the consent of the Crown when needed, fit regulations for the appointment of Bishops, Priests, and Deacons, in accordance with the Canons of the Universal Church.
4. To provide, with the consent of the Crown, for the division of the Province into new Dioceses, as occasion may require.
5. To procure from the Colonial Legislature any laws or modifications of laws, which the circumstances of the Church may require.
6. To promote the further consolidation and united action of the whole of the Dioceses of British North America.

### IV. PRAYER FOR DIVINE GUIDANCE.

Proceeding upon these principles, which, as we humbly thank God, were, under his guidance, first among the Colonial Churches, publicly set forth amongst ourselves, and have

been sustained by the acceptance of our brethren through a large part of the Colonial dominions of our beloved Queen, we firmly rely and depend upon His continued blessing and guidance; and we humbly pray that He, who is the God of unity and peace, may ever be with us, and so chaste our affections, purify our motives, and guide our judgment, that we may be enabled to contribute to the efficiency, concord, and stability of the Church in this land.

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### CHAPTER III.

#### *Declaration of the Queen's Supremacy.*

*Adopted by the Synod of the Diocese of Toronto, 11th June, 1858.*

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All foreign ecclesiastical power (forasmuch as the same hath no establishment or ground by the law of God) is for most just causes taken away and abolished; and therefore no manner of obedience or subjection, within Her Majesty's realm and dominions, is due unto any such foreign power; but the Queen's power, within her realms of England, Scotland and Ireland, and all other her dominions or countries, is the highest power under God; to whom all men, as well inhabitants as born within the same, do by God's laws owe most loyalty and obedience, afore and above all other powers and potentates in earth.—Session of 1858, pages 18 and 66. (See also latter part of Section II of the preceding Chapter II.)

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## CHAPTER IV.

### Declaration on the part of the Synod of the Diocese of Toronto.

*Adopted by the Synod on the 26th of October, 1854.*

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#### I. PRELIMINARY DECLARATION.

We, the Bishop, the Clergy and Representatives of the Laity of the United Church of England and Ireland, within the Diocese of Toronto, assembled in Synod, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Diocese, desire, in the first place, for the avoiding of all misunderstanding and scandal, to make a declaration of the principles upon which we purpose to proceed.

#### II. UNITY OF THE CHURCH—HER DOCTRINAL STANDARDS.

We desire that the Church in this Colony shall continue, as it has been, an integral portion of the United Church of England and Ireland.

As members of that Church, we recognize the true Canon of Holy Scripture, as received by that Church, to be the rule and standard of faith; we acknowledge the Book of Common Prayer and Sacraments, together with the Thirty nine Articles of Religion, to be the true and faithful declaration of the doctrines contained in Holy Scripture; we maintain the form of Church government by Bishops, Priests and Deacons, as Scriptural and Apostolical; and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines and that form of Church government, and to transmit them to our posterity.

In particular, we uphold the ancient doctrine of our Church, that the Queen is rightly possessed of the chief government or supremacy over all persons within her dominions, in all causes, whether ecclesiastical or civil; and we desire that such supremacy should continue unimpaired.

## III. SUBJECTS FOR SYNODICAL ACTION.

It is our earnest wish and determination to confine our deliberations and actions to matters of discipline, to the temporalities of the Church, and to the regulations of order as may tend to her efficiency and extension; and we desire no controul authority over any but those who are, or shall be, members of our own Church.

We conceive that the following, and such like objects, may fitly come under our consideration, and lead to action on our part:

1. To frame a Constitution for the Synod, and to regulate the time and place of its meetings, and the order and manner of its proceedings.
2. To provide for the proper exercise of Ecclesiastical discipline, in regard to both Clergy and Laity.
3. To provide for the extension and temporal well-being of the Church, and the support of the clergy and school-masters, for the maintenance of public worship, and the diffusion of a sound religious education.
4. To promote and regulate the building and consecration of Churches, and the erection of Parsonages and school-houses.
5. To provide for the division of the Diocese into parishes, with regulations for future sub-divisions.
6. To provide, with consent of the Crown, where needed, regulations for the appointment of Bishops, Priests, and Deacons.
7. To regulate the fees for marriages and other offices of the Church.
8. To provide, with the consent of the Crown, for the division of the Diocese into new Dioceses, either forthwith, or at a future period.
9. To procure from the Colonial Legislature any laws, or modification of laws, which the circumstances of the Church may require.

## IV. NECESSITY FOR ACTION—GENERAL PRINCIPLES STATED.

These are subjects which will supply abundant employment for our Synods, and they are such as the circumstances of the Church in this Province imperatively require her Clergy and Laity to deal with. In adopting Synodical action upon such a principle, we feel that we shall not be infringing the royal prerogative; and we are the more free to enter upon such action from having learned that a high legal authority in the

Mother Church has declared that there is no real impediment to the act of Diocesan Synods, and from knowing that the Imperial Legislature has affirmed the principle that the Colonial Church ought to have the power of assembling for the management of its internal affairs.

Though we could have desired that an Act of the Imperial Legislature (founded on the views of the Archbishops and Bishops, and other well-informed persons, both at home and in the colonies) should have laid down the basis of such a constitution as should have been suitable for the action of synodical assemblies, in all the colonies, in order that the unity of all parts of the Church might be completely preserved; yet the exigency of our affairs does not admit of any further delay. If, at any future period, such constitution should be framed by adequate authority, we shall cheerfully modify what has been done by ourselves, so as to bring it into conformity with the decisions of such authority.

Meanwhile we have reason to trust that the other Dioceses of British North America will adopt a line of conduct similar to our own, and thus enable us to confer with them; so that, by mutual consultation, such a constitution may be adopted as will mark our unity, both of principle and sentiment, and form the basis of combined action for many generations to come. We trust, likewise, that by the same means, or through the action of the crown, the whole of these Dioceses may be united into one Ecclesiastical Province under its proper Metropolitan, and with its Provincial Council; which may frame Canons for our joint action, and be a Court of Appeal, if questions should arise in any Diocese which cannot be settled by the Synod of the Diocese itself.

#### V. PRAYER FOR DIVINE GUIDANCE.

In conclusion, we humbly pray that the God of unity and peace may be with us, and so chasten our affections, purify our motives, and guide our judgment, that we may be enabled to contribute to the efficiency, concord and stability of the Church in this land.

(Signed) JOHN TORONTO.

Attested by { J. GAMBLE GEDDES, *Clerical Secretary.*  
                  { JAMES BOVELL, *Lay Secretary.*

[NOTE.—The Synod also passed a resolution requesting the Bishop to transmit a copy of the foregoing declaration "to the Archbishop of Canterbury, with a view of having it laid at the foot of the throne,"

and also "to the several Bishops of the [British] North American Dioceses, with a view to their advice and co-operation upon the principles therein set forth, so as to produce uniformity on Colonial Church Government."—See Minutes of Proceedings, Session of 1854, pages 18-21.]

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## CHAPTER IV.

### Submission of the Clergy to the Canons of the Provincial and Diocesan Synods.

*Adopted by the Provincial Synod in 1868.*

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No Bishop within this Province shall hereafter grant his license to any clergyman to the cure of souls, until such clergyman has first subscribed and declared his submission to the Canons of the Provincial Synod, and of the Synod of the Diocese of said Bishop, in the following form:—

I, A. B., do willingly subscribe to and declare, that I assent to and abide by the Canons which have been, or shall be, from time to time, passed by the Provincial Synod, or the Synod of the Diocese of ——. Journal of Provincial Synod, 1868, pages 94, 95.

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## CHAPTER V.

### Right of the Church to meet in Synod.

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[NOTE.—So much importance did the late Bishop attach to the Synodical gatherings of his diocese, that in 1839 (the year of his consecration), when in England, he made inquiries on the subject, and reported the result in his Primary Charge of 1841, as follows:—\*]

"The advantage of annual meetings of the Clergy of the Diocese has been frequently a subject of deliberation, as tending to promote brotherly kindness and a more complete unity in our proceedings. Such periodical conventions were naturally suggested by the example

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The historical value of these utterances of the late Bishop, in connection with this chapter, is the reason for their insertion almost in full.

of our neighbors in the United States, and appeared to be in some degree required by the remoteness of our situation from the Mother Church, and our need of mutual sympathy and support. Entering cordially in' o these feelings and reasonings, I made all the enquiries in my power, when last in England, respecting the nature and objects of Diocesan Synods, but with very limited success. There is no English work of authority on the subject, and, though recourse was had to the elaborate work of Lambertini, the information that could be gleaned was meagre and imperfect. It appears that the introduction of lay-members in any such assemblies of the Clergy, for ecclesiastical purposes, is altogether without the sanction of antiquity, and was forced, I believe, on the Church of the United States by circumstances which the Bishops thought at once certain and decisive, viz., that the Laity of the Church would not consent, without that provision, to receive Episcopacy. This concession appears to those who are best acquainted with the history of the Church, and feel her sacred character as the spouse of Christ, a most dangerous innovation on her constitution, and likely to lead, in time, to the most deplorable consequences.

*J*  
"In regard to matters of doctrine and things spiritual, it is generally allowed, by most persons professing church principles, that the Laity ought to have no voice, yet there are many who insist that even in these the Laity should be permitted to express an opinion. On the other hand, the question whether Laymen should be allowed a voice in the management of the temporal concerns of the Church, is not without difficulty, from the intimate union that is frequently found to exist between things temporal and spiritual in ecclesiastical proceedings.

*To speak,*  
"Diocesan Synods, whose decrees are called constitutions, are convened simply by the Bishop. The secular clergy are bound to attend, and such regulars as are not particularly exempted. But all may be summoned when matters affecting the whole body of the Church in the Diocese are to be considered. Laymen, according to the practice and custom of the Church, are most admissible in Ecumenical Councils—less in Provincial—and least of all in Diocesan Councils or Synods. In none, however, are they admitted as judges, but merely as witnesses, or as executors of the decrees that are adopted by the Convocation, Council, or Synod. Custom may sanction their presence even in Diocesan Synods, and Bishops may invite them, though not to vote; but even this only at times when matters clearly temporal and connected with the State are the subjects of deliberation. Sometimes Bishops consult Laymen before they propose their constitutions to the consideration of the Clergy; but they need not follow their opinion or advice unless they think fit. Such constitutions may be imposed by the Bishop to regulate the affairs of the Diocese, without the consent of the Clergy, but in all cases the Bishop is specially bound to protect his Clergy to pre-

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vent any encroachment or aggression on their rights, or a trespass by Laymen, on sacred things.

"Not satisfied with this scanty information, I consulted some clergymen of high standing and learning in the Church, on the subject of Annual Synods, or Convocations, as applicable to this Colony. The reply was: 'What particular business can you have to transact, or on which to deliberate? You are a branch of the United Church of England and Ireland, situated in a distant dependency. The Constitution of the Church has been long settled, and you can make no movement but in accordance with her principles and practice, and, consequently, after she has led the way.'

"A Diocesan Synod can only take cognizance of such matters as are peculiar to the Diocese, and dispose of them in a way that is agreeable to the usage of the Church, of which you are an integral part; for it has no power to interfere with any thing directly or indirectly that has been determined and settled by superior authority. The unity of the Church must be preserved, and this can only be done by confining the power of legislation to the head and restraining the branches.' Moreover, to hold annual or even frequent Synods in a Diocese as extensive as yours, must be attended with great expense and spiritual inconvenience, and for such evils there appears no equivalent.' On the whole, it was their opinion that the usual Episcopal Visitation—the periodical meetings of the Church Societies established or to be established—and associations of the neighboring Clergy for friendly intercourse and spiritual edification—might afford, in a more convenient and effective manner, all the advantages that can be reasonably expected from Diocesan Synods."

[NOTE.—Ten years later the Bishop, in his charge of 1851, again referred to the subject as follows:—"In my Pastoral Letter of the 2nd of April last, invoking the presence of the Laity as well as the Clergy at this visitation, I mentioned that such a combination had been suggested to me by many respectable members of our communion.

"They believe, that in the present crisis of our secular affairs, the Church, now strong in numbers and intelligence, ought to express its opinion, as a body, on the attempt making to despoil her of the small remainder of her property, which has been set apart and devoted to sacred purposes during sixty years.

"Adopting this suggestion as wise and seasonable, I congratulate you, as well as myself, on the numerous and goodly assemblage before me.

"In October, 1836, there was a meeting somewhat similar to this held under the then two Archdeacons, but according to the usage of our Church, it was altogether clerical. It was called in consequence of the protracted absence and feeble health of our late excellent

**Venerable Diocesan.** His lordship was too far gone in the disease, which soon after removed him to his place of rest, to permit him to examine and approve of our proceedings, which were all sent for his consideration, but they did not on that account fall to the ground.

"The objects considered were—a division of the Diocese, provision for the new Bishop, the induction of the Clergy, and annual Convocations. Of these, the first three have been obtained. The Diocese has been divided, and the Bishop provided for, the Rectories legally established, and the Incumbents inducted.

"The question of the Convocation alone remains in abeyance.

"Soon after my Consecration, in 1839, I deemed it my duty to bring it under the consideration of the late gifted Archbishop of Canterbury, and of other Clergymen of high standing and learning in the Church.

"The substance of my gatherings from such high authority, I detailed, at some length, in my first charge, in September, 1841; and to which I would request your careful attention. The opinion at that time was decidedly against a convocation, and more especially the lay element with which it was to be incorporated.

"It was argued, that all the advantages that could reasonably be expected from annually assembling the Clergy in Convocation, might be obtained in a more convenient and effective manner through the usual Episcopal Visitations, the meetings of the Church Societies, and the Associations of the neighbouring Clergy for friendly intercourse and spiritual edification.

"Now it must be acknowledged, that the division of the Diocese of Quebec into two and recently into three Bishoprics, and the approaching division of this Diocese into at least two more, make Convocations in some respects far less necessary; more especially as there is no impediment in the way of the Clergy to meet their Bishop in conference, from time to time, on the temporalities of the Church.

"But, on the other hand, her rapid growth, and the increase of her Clergy, present many new and urgent arguments for some ruling power to enforce a stricter discipline and greater unity of action than she has yet enjoyed in this Diocese.

"So feeling, I resolved again to inquire into the matter, during my last visit to England; and instead of confining myself to the Clergy, as in 1839, I went to the most eminent ecclesiastical authorities. They received me with the greatest courtesy, and were frank and ready in answering my inquiries; but I was at once met with the maxim, that no Diocesan Synod can be held without leave and license from the Crown. They further stated, that if such could be held, they would be of no sort of advantage without the establishment of Courts to enforce and carry out such rules and regulations as they might adopt for the better conduct of their ecclesiastical affairs.

"I then asked, whether such license and Courts might not be obtained, if it could be shown that it was of the first importance to the

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further extension and well-being of the Church in Upper Canada, to possess some power within herself to insure obedience in all things lawful on the part of the Clergy, and equal justice on that of the Bishop. I added that some such power would soon become absolutely necessary, as it may indeed already be considered so in the See of Toronto.

"When the lay members of the Church in any Colonial Diocese number more than two hundred thousand, and the Clergy one hundred and fifty, scattered over a vast region, and thus much separated from one another, it must needs be that difficulties and offences will arise; and how are they to be dealt with?

"The Bishop is in most cases powerless, having indeed jurisdiction by his Royal appointment and Divine Commission, but he has no tribunals to try cases, and to acquit or punish, as the case may be.

"He therefore feels himself frequently weak, and unable to correct reckless insubordination and sullen opposition, even in matters spiritual.

"At one time, he may be accused of feebleness and irresolution; at another, when acting with some vigor, he may be denounced as tyrannical and despotic.

"On such occasions he requires the support and refreshing counsel of his brethren, and their constitutional co-operation in devising and maturing such measures as it may be thought necessary to adopt for the welfare of the Church.

"My advisers replied, that under such circumstances, they did not apprehend any great difficulty in obtaining all we required, more especially as the Colonial Church had already forced itself on the notice of Government, and we could exhibit so strong and urgent a case that it would not be easy or even gracious to refuse us. 'But,' they added, 'you must proceed with much caution and deference to existing authorities, for your request is new, and pregnant with ~~momentous~~ *momentous* results to the Church in the colonies. Nor must you forget that you are at present part and parcel of the United Church of England and Ireland, and as much subject to the Archbishop of Canterbury as if you were in England. And above all things remember, that in such matters your proper channel of communication with the Government is through His Grace the Primate of all England.'

"This is the first time that the whole Church of this Diocese, lay and clerical, has assembled, and it will in all probability be the last, because new sees will soon spring up within its limits.

"It is a meeting, therefore, of much greater consequence than many may at first perceive, and I trust it will pass harmoniously over, and become an example to other dioceses seeking for the same objects.

"Our meeting and proceedings will begin a new era in the history of the Colonial Church, and may be the prelude, not only of Diocesan

Synods, but of the ultimate union of all the British North American Bishoprics, to convene at stated times in general Synods or Convocations.

"This happy consummation I may not see; but, like Moses, overlooking the promised land, I see it afar off, and it will hereafter be a source of great comfort to my more aged brethren, as well as myself, to have assisted at its commencement on this happy day."

These most interesting extracts from the late Bishop's early Visitation addresses are valuable, as showing the many difficulties which at first stood in the way of obtaining the right, which we now enjoy, of free and untrammelled Synodical action by both Clergy and Laity.

[**NOTE.**—At the visitation of 1851, the Bishop proposed this question to the clergy and laity then present: "Shall we, the Church of the Diocese of Toronto, apply for permission from the Crown to hold Diocesan Synods or Convocations?" The Bishop further remarked, "If this question be decided in the affirmative, the most expedient and proper method of proceeding will be to petition Her Majesty the Queen, through His Grace the Archbishop of Canterbury, for leave to hold Diocesan Synods, a copy of the petition to be at the same time forwarded through His Excellency the Governor-General, Lord Elgin, to Her Majesty's principal Secretary of State for the Colonies." In response to the question the following resolution was passed.]

1. That this meeting is of opinion that for the more effectual exercise of the discipline of the Church, and the more advantageous management of its temporal affairs, it is expedient and desirable to apply to the Crown for the establishment of a Diocesan Synod or Convocation, consisting of the laity, as well as the clergy, so as best to meet the requirements of the Church in this Diocese, and that a committee be named to draft a memorial to the Queen, founded on the episcopal charge of the lord Bishop.—Session of 1851, page 12.

[**NOTE.**—At the next visitation of the Clergy, in 1853, the Bishop again brought the unsettled state of the law, relative to Diocesan Synods, before the Synod. In referring to the "Colonial Church Regulation Bill," then before the Imperial Parliament, he said:]

"The Bill was introduced by His Grace the Archbishop of Canterbury, who remarked, on the 21st of July, in the Lord's Committee, that for some years past considerable distress and inconvenience had arisen in the colonies in consequence of the want of the regular administration of their ecclesiastical affairs. \* \* \*

It was simply permissive, not compulsory, and merely empowered the Church in the colonies to exercise her natural and inherent right to regulate her own affairs and discipline, but which certain impediments placed in her way by some antiquated and obsolete laws prevented her, without some enabling enactment to carry out.

"The Bill consists of the preamble and seventeen clauses, and is entitled, 'An Act to enable the Bishops, Clergy and Laity, of the United Church of England and Ireland, in Her Majesty's Foreign and Colonial Possessions, to provide for the regulation of the affairs of the said Church in such Possessions.' \* \* \*

"As the subject stands over to the next Session of Parliament, we must wait with as much patience as we can under a sense of unmerited disappointment. \* \* \*

"Moreover, the case of holding regular Convocations in the colonies was tried by the Bishop of New Zealand, a Prelate whom all bless and honor; but the regulations or canons drawn up under his guidance, when sent to England and submitted to the highest law authorities, were declared illegal and invalid.

"Now, it being the great object of the Colonial Church to preserve and maintain its identity with the Church at home, this cannot be effectually done without some measure of the Imperial Parliament, and this may be done, according to the Rt. Hon. Mr. Gladstone, by a simple enactment of half a page \* \* \* The best course open for us to take will be to make use of the Chancellor of the Exchequer's hint, and request, simply by petition, a single clause of half a page, to enable us to hold Synods for the management of our ecclesiastical affairs. \* \* \* In the meantime let us be patient, but yet strenuous in demanding our just rights and privileges, which we do not forfeit by removing to a colony."

[**NOTE.**—At this Synod (1853) the question of the legality of the Synod had been under discussion; a protest on the subject was proposed as follows: "That we, the members of the Church in the Diocese of Toronto, meeting by invitation of the lord Bishop, beg to record our solemn and respectful protest against the present informal system of assembling the Church, and as solemnly and respectfully declare our right to meet as a Synod, refusing to admit the right of interference from any quarter." After some discussion the following resolution was substituted for the protest.]

2. That this meeting, convened by the lord Bishop, and composed, *firstly*, of the lord Bishop of the Diocese, *secondly*, of the clergy of the Diocese, and *thirdly*, of the lay representatives of the several congregations of the diocese, are the Diocesan Synod of this Diocese, and that we now proceed to the transaction of business which we have commenced.—Session of 1853, page 7.

[**NOTE.**—In addressing the Synod in 1854, the Bishop remarked that the meeting that year “had been postponed,” in the hope that the Imperial Government would redeem its pledge, and pass a measure to remove the disabilities which are by some supposed to exist in regard to the Colonial Church assemblies. This hope has not been realized; but \* \* \* the best legal authorities, and among them, I believe, the Solicitor-General of England, have arrived at the conclusion that whatever difficulties may stand in the way of national and provincial convocations of the clergy, they do not extend to diocesan synods (pages 3 and 4 of the Proceedings.) At the same meeting of the Synod, a constitution and rules for its government were adopted (pages 31-36.) At the next meeting of the Synod (in 1856) doubts having arisen as to the power of the Synod to make certain rules and regulations, the following resolution was passed.]

3. That a committee of seven members, four clerical and three lay, be appointed to draft a petition to the three branches of the legislature, for the passage of an act to enable the Bishop, Clergy and Laity, of the United Church of England and Ireland, to make rules and regulations for the management and government of the affairs of the Church in Canada, and also to draft a bill to be brought in upon such petition, and to report such petition and bill with all convenient speed.

—Session of 1856, page 15.

[**NOTE.**—This committee reported at the same session a petition and bill, which were adopted, (pages 17-19), and presented to the legislature. In the same year the necessary act was passed, but it was reserved by the Governor-General for the signification of Her Majesty’s pleasure thereon. The assent of Her Majesty, together with the act itself, were communicated to the Synod in 1857, (pages 12-14). The constitution was then amended, and the following resolution was passed.]

4. That his lordship, the President be requested to nominate a committee to draft an address to Her Most Gracious Majesty the Queen, expressing the gratitude with which the Synod accepts the relief from the disability under which it was supposed to labor, and assuring Her Majesty that our best efforts will be used to employ the power of local self-government, so graciously bestowed, as a means of cementing that union by which we hope to continue an integral portion of the United Church of England and Ireland.—Session of 1857, pages 18, 24, 29, 30.

[**NOTE.**—At the Kingston meeting of the Synod, in 1858, the Bishop, in his address, (page 113 of Proceedings), stated that some

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interruption to the course of synodical action having occurred in the Diocese of Quebec, an explanatory act was passed in that year, "To explain and amend the act intituled 'An Act to enable the members of the United Church of England and Ireland, in Canada, to meet in Synod.'" See session of 1858, pages 149, 150. No further action has, therefore, been taken on this subject.]

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## CHAPTER VII.

### THE CONSTITUTION OF THE

## Incorporated Synod of the Diocese of Toronto,

*As adopted at the Eighteenth Session, June, 1870.*

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### COMPOSITION OF THE SYNOD.

1. THE INCORPORATED SYNOD OF THE DIOCESE OF TORONTO "shall consist of the Bishop of the Diocese, who shall be the head of the Synod, and any Suffragan or Coadjutor Bishop thereof, the Priests and Deacons of the same licensed by the Bishop or Suffragan, and of Lay Representatives to be elected" as hereinafter provided. (Statute, passed January 23, 1869, 2nd section.)

### QUALIFICATIONS OF LAY REPRESENTATIVES.

2. The Lay Representatives shall be male Communicants of at least one year's standing, of the full age of twenty-one years, who have not been in Holy Orders, and who shall have communicated at least three times during the twelve months previous to the election. They shall be elected at the Annual Easter Meeting held by each Minister having a separate Cure of souls, or at any meeting specially called for that purpose, and such Representatives shall not be more than three in number. In the event of there being a vacancy in any Incumbency, owing to death or other cause, it shall, notwithstanding, be lawful for the congregation to meet for such election at such time and place as the Churchwardens shall appoint for the purpose. And all Laymen within the Cure,

of twenty-one years of age or upwards, who shall annually sign a declaration in the form following, shall have the right of voting at the election: “I, \_\_\_\_\_, solemnly declare that I am a member of the United Church of England and Ireland; that I am an habitual worshipper with this congregation (*naming it*), and have not voted as a member of any other congregation within the year.”

**PARISHES WITH TWO OR MORE CONGREGATIONS.**

3. In case there shall be two or more congregations in any Parish or Mission, the larger congregations shall have the right to elect two Representatives, and the smaller congregation one. In case there shall be three congregations in any Cure, each congregation shall be entitled to elect one Representative; and in case there shall be four, or more congregations in any Cure, the largest as well as the next larger congregation shall each elect one Representative, and the remaining congregations shall have the right to unite and elect the third Representative; and in case of a vacancy in the Inc incumbency, the Easter Meeting of each congregation shall be called by the Churchwardens thereof.

**WHO SHALL PRESIDE AT THE ELECTIONS.**

4. The Minister himself, if present, shall preside at the election; and, in his absence, the Curate, or Assistant Minister; or in case neither the Minister nor his Assistant be present, or if there be a vacancy in the Inc incumbency, a Chairman, to be elected by a majority of the electors present, shall preside.

**CERTIFICATE AND ASSESSMENT TO BE SENT TO SYNOD OFFICER.**

5. Within ten days after such election, the Chairman of the meeting shall send to the Secretary-Treasurer of the Synod the the amount assessed on the Parish or Cure, as hereinafter provided, together with a Certificate of such election according to the following form:

“This is to certify, that at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 18\_\_\_\_\_, for the purpose of electing a Lay Representative (or *Lay Representatives*), in Synod for the Cure or Parish of \_\_\_\_\_, A. B., (C. D., and E. F.,) being a communicant (or *communicants*) of at least one year's standing, of the full age of twenty-one years, and who has (or

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have) communicated at least three times during the year previous to the election, was (or *were*) elected by the laymen within this Cure, who have the right to vote at such election, by virtue of their having signed the declaration provided in section number two of the Constitution of "The Incorporated Synod of the Diocese of Toronto."

\_\_\_\_\_, *Chairman.*

Date.]

"I also forward herewith the assessment of the Parish, being  
\$\_\_\_\_\_

And on such certificate shall be endorsed as follows:

\_\_\_\_\_, *Toronto, \_\_\_\_\_.*

*To the Secretaries of the Synod,*

GENTLEMEN,—I have received the Synod Dues of this Parish or cure; you can therefore enter the names of the Lay Representatives on the Synod List.

Your obedient servant,

\_\_\_\_\_, *Secretary-Treasurer.*

Which certificate, so endorsed by the Secretary-Treasurer of the Synod, shall by him be forwarded to the Secretaries, who shall enter the names of the Lay Representatives on the Synod List, to be printed and sent to each member of the Synod by the Executive Committee with their order of proceedings.

[*NOTE.*—The report of the Executive Committee, adopted by the Synod in 1871, provided: "That a committee of two, to be appointed by the Executive Committee, shall meet at the Synod Office at least two days before the meeting of Synod, and examine the certificates of the Lay Representatives sent in to the Secretary-Treasurer by the respective Clergymen in the Diocese, and shall prepare a Report thereon, to be placed in the hands of the Honorary Lay Secretary on the opening of the Synod. Session of 1871, page 42; see also section 37 of this constitution]

#### CERTIFICATE TO LAY REPRESENTATIVES—PERIOD OF OFFICE.

The Chairman of the Meeting shall likewise furnish each Representative with a similar certificate; without it, any person presenting himself as a Representative shall be required, before taking his seat, to afford sufficient proof that the requirements of the Synod have been complied with in his election. All Representatives shall continue in office until the next meeting of the Synod after the election of their suc-

cessors, or until they have resigned their office; and every Representative resigning his office shall signify such resignation to the Secretary-Treasurer of the Synod, who shall thereupon notify the Incumbent of the Parish of such resignation, in order to a new election being held.

**SYNOD DUES MUST BE PAID BEFORE SEAT BE TAKEN.**

No Representative shall be entitled to take his seat in the Synod until the assessment upon his parish shall have been paid.

[**NOTE.**—The 37th section of this Constitution provides for the settlement of all questions relating to doubtful or contested seats in the Synod.]

**IN CASE OF DUAL ELECTION, &c., REPRESENTATIVE TO SELECT.**

6. If any Lay Representative be elected for more than one Parish, he shall, within one week of receiving notice thereof from the Secretary-Treasurer of the Synod, whose duty it shall be to send such notice, select the parish for which he intends to sit and vote, and shall signify the same to the Secretary-Treasurer of the Synod, who shall at once notify the Minister or Ministers of the other Parish or Parishes for which such Representative shall have been elected; and thereupon such Minister or Ministers shall proceed to call a new election, by giving notice thereof on two consecutive Sundays, such new election to take place within fifteen days from the receipt of the notification from the Secretary-Treasurer of the Synod; and in case such Representative shall fail to make such selection, and to signify the same as herein required, the Secretary-Treasurer shall, within ten days after the expiration of the time allowed for making such selection, notify the parishes that they proceed to a new election. In the event of a vacancy occurring in the number of Representatives of any Parish or Cure, either by death, removal from the country, resignation, or otherwise, the Minister of the said Parish or Cure shall in like manner, and within the same period, proceed to hold a new election to fill such vacancy, and the voters at the last election shall be entitled to vote at such new election without further registration.

[**NOTE.**—In case of a vacancy in the Incumbency, the meeting for the election of a Representative is to be called by the Churchwardens, as provided in the second and third sections above.]

## MEETING, ADJOURNMENT, OR DISSOLUTION OF THE SYNOD.

7. The Synod shall meet annually on the first Tuesday in June, or at such other period as may be deemed expedient by the Bishop, who shall also appoint the place of meeting, and shall adjourn or dissolve the Synod, as may appear to him most conducive to the welfare of the Diocese.

## FORM OF PRAYER TO BE USED BEFORE AND DURING SYNOD MEETING.

8. During one month previous to the meeting of the Synod, each Minister shall, at Morning and Evening Service, use the following Form of Prayer for the Divine blessing on the proceedings of the Synod :

## PRAYER FOR THE DIVINE BLESSING.

ALMIGHTY FATHER, who in the beginning of the Gospel didst cause the Apostles and Elders to meet together under the guidance of Thy Holy Spirit ; and hast promised, through Thy Son Jesus Christ, to be with Thy Church to the end of the world : Vouchsafe, we pray Thee, to be present with the Synod of this Diocese now about to assemble [*or now assembled*] ; give unto them the spirit of wisdom, patience, love, and of a sound mind ; and so direct, sanctify, and govern them, that they may seek truth and peace ; and that through them the saving gospel of Christ may be more effectually preached and ministered, Thy dispersed sheep gathered into the fold, and Thy Holy Church stablished, strengthened, settled, united, and sanctified ; through the merits and intercession of the same Jesus Christ, Thy Son our Lord.—*Amen.*

[NOTE.—At the Session of 1871 was ordered: “That in addition to the prayers heretofore used at the opening of the Synod, and in the several Churches previously to the meeting of the Synod, the following prayer from the “Accession Service” be also used:”]

## A PRAYER FOR UNITY.

O God, the Father of our Lord Jesus Christ, our only Saviour, the Prince of Peace: give us grace seriously to lay to heart the great dangers we are in by our unhappy divisions. Take away all hatred and prejudice, and whatsoever else may hinder us from Godly union and concord ; that, as there is but one Body, and one Spirit, and one Hope of our Calling, one Lord, one Faith, one Baptism, one God and Father of us all, so we may henceforth be all of one heart and of one soul,

united in one holy bond of Truth and Peace, of Faith and Charity, and may with one mind and one mouth glorify Thee, through Jesus Christ our Lord.—*Amen.*

PRESIDING OFFICER OF THE SYNOD.

9. When the Bishop is not present, and has not appointed a deputy, then the Senior Dignitary or Clergyman of the Diocese present shall preside in his place.

QUORUM OF THE SYNOD.

10. A quorum of the Synod shall consist of not less than one-fourth of the whole number of the Clergy, and one-fourth of the Lay Representatives of the several parishes of the Diocese; and no business shall be transacted without a quorum.

OFFICERS OF THE SYNOD TO BE ELECTED ANNUALLY.

11. There shall be two Honorary Secretaries of the Synod, one a Clergyman, the other a Layman, both members of the Synod; the former to be elected by the Clergy, and the latter by the Lay Representatives; and there shall also be a Secretary-Treasurer, to be appointed by the vote of the Synod; and such elections and appointments shall be held and made on the first business day of the annual meeting of the same.

SECRETARY-TREASURER AND HIS SALARY.

12. The Secretary-Treasurer shall receive a salary of \$1400 a year, which shall cover the remuneration to the said Secretary-Treasurer for all his services in respect to the various trusts and funds of the Synod; which salary shall be payable quarterly.

DUTIES OF HONORARY SECRETARIES.

13. It shall be the duty of the Honorary Secretaries to keep regular minutes of all proceedings of the Synod; to record them in a book provided for that purpose; to preserve all papers, memorials, and other documents; to conduct the correspondence; to attest the public acts of the Synod; to deliver all records and documents to their successors in office, and to furnish daily, prefixed to the printed notices of motion, a summary statement or synopsis of the whole of the unfinished business before the Synod, in the order in which it is proposed to take it up.

[**NOTE.**—In 1864 the Synod directed that “it be an instruction to the Secretaries to employ a person to collect from the official minute-book, and append to the printed minutes for this year, a copy of each canon or resolution which has been duly passed since 1858, with an index. A similar appendix and index for each succeeding year shall be prepared and inserted in future in the annual printed minutes of the proceedings of the Synod. Session of 1864, page 20.]

#### DUTIES OF THE SECRETARY-TREASURER.

14. It shall be the special office of the Secretary-Treasurer to attend to all the business of the Synod when not in session, under the direction of the Bishop, the Chairman of Committees, and other officers of the Synod. And it shall be the further duty of the said Secretary-Treasurer to receive all moneys paid to him under the authority of the Synod, to keep them safely, to enter them in books requisite for that purpose; and, under such regulations as may be made by the Executive Committee, to deposit all such sums as soon as they amount to \$100, to the credit of the said Synod, in such chartered Banks or Banks of the Dominion as may from time to time be approved by the said Executive Committee.

#### SECRETARY-TREASURER SHALL GIVE SECURITY.

15. The said Secretary-Treasurer shall, under such regulations as may be made by the said Executive Committee, give security for the proper performance of his duties, and for the safe custody and deposit of all such moneys as may come into his hands as Secretary-Treasurer.

#### VACATION OF THE SECRETARY-TREASURER.

[**NOTE.**—In 1869, the Synod adopted the following regulation: That the resolution of the late Church Society, respecting the annual vacation of the Secretary-Treasurer, be adopted by this Synod.—Session of 1860, page 78. The resolution is as follows: “The standing committee having recommended that in future (commencing with the present year, 1868,) an annual vacation of four weeks subsequently to the August meeting, be granted to the Secretary of the Church Society, the recommendation was granted.”]

#### ELECTION OF DELEGATES' AND SUBSTITUTES TO PROVINCIAL SYNOD.

16. There shall be elected annually, by the individual Clerical and Lay members of the Synod, respectively then present, on the second day of the meeting of Synod (as the

first order of the day) twelve Clerical and twelve Lay Delegates to the Provincial Synod. Twelve of each order thus elected, having the highest number of votes, shall be the Delegates to such Synod; and six other Clerical and six Lay Representatives whose names shall be next on the ballot, having the next highest number of votes, shall be Substitute-Delegates, to attend the Provincial Synod whenever, from sickness or other cause, the Delegates shall be unable to attend the Provincial Synod.

SCRUTINEERS AND MODE OF ELECTION OF DELEGATES.

17. Two Clerical members and one Lay Representative, and two Lay Representatives and one Clerical member (to be appointed by the Synod), shall be the scrutineers of the Clerical and Lay vote respectively.

[*Note.—As to the mode of election by ballot, the Synod in 1862 directed as follows:*]

[17½. That ballot boxes shall be provided to receive the votes of the clergy and laity respectively. That upon each member of the Synod depositing his vote, a mark shall be placed opposite his name on the roll by the Secretary of the order to which he belongs, and that upon the requisition of any three members of the Synod, the number of votes deposited shall be compared with the number of those who have voted upon the occasion. That the scrutineers shall hand over the votes to the Secretaries of the Synod, whose duty it shall be to preserve them until the election of delegates shall be completed, and then destroyed at the end of the session. Session of 1862, pages 20, 21.]

WHEN SUBSTITUTE-DELEGATES SHALL GO TO PROVINCIAL SYNOD.

18. Whenever any of the Delegates to the Provincial Synod shall be unable to attend its meetings, they shall be excused from such attendance upon notifying the Secretaries of the Diocesan Synod of the fact at least a fortnight previous to the meeting of the Synod. The Secretaries shall thereupon notify the Substitutes, selecting them in the order in which their names stand upon the list, that they are required to attend the said meeting instead of the Delegates excused.

NAME OF DIGNITARIES TO HEAD THE LIST.

[*Order of Precedence.—In publishing the list of Delegates to the Provincial Synod at the beginning of the Report, (or Journal of Proceedings), the name of a dignitary of the Church, if elected, should*

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head the list, and the names of the other members should be printed in alphabetical order.—*Session of 1862, page 40.*] See also latter part of Section 21.

#### APPOINTMENT OF EXECUTIVE COMMITTEE.

19. There shall be appointed annually, as the first business in the afternoon of the second day, an Executive Committee, to consist of the Bishop of the Diocese, ten clerical and ten Lay members of the Synod (one half of each order of whom shall be appointed by the Bishop, and the other half by a vote of the Synod), of whom seven shall form a quorum, and who shall continue in office until their successors are appointed and shall be called together by the Chairman [Secretary Treasurer, section 24 (\*)] or any three members of the Committee.

#### DUTIES OF THE EXECUTIVE COMMITTEE.

20. It shall be the duty of the Executive Committee to prepare in due form all such matters as the Bishop, or any member of the Synod, may desire to bring forward; to receive Reports of all other Committees, and to submit such Report to the Synod; and said Committee shall prepare lists of all Standing Committees for the approval of the Synod.

#### NOTICES OF MEETING OF SYNOD AND ITS PROPOSED BUSINESS.

21. It shall also be the duty of the said Committee to print the Reports laid before them, or such parts of them as they may deem expedient, and to issue a circular under the Bishop's direction, stating the time and place of meeting, the business for the ensuing Synod, the order in which it shall be discussed, and the names of members of Synod, which circular shall be forwarded to each Clergymen and Lay Representative two weeks before the meeting of the Synod; and to pay out, or cause to be paid out, all moneys of the Synod, except those which are placed under the control of other Committees.

[*Note.*—In 1862, the Synod enacted that “The Executive Committee be directed to provide (through the General Purposes Committee) for the expenses of the Provincial Synod, *pro rata*, on the several parishes.”—*Session of 1862, page 41.*]

#### BUSINESS TO BE NOTIFIED AND REPORTS TO BE SENT TO THE EXECUTIVE COMMITTEE.

22. Notice of the business to be submitted to the Synod, to secure precedence in the order of proceedings, and all Reports

of Committees, shall be sent to the Executive Committee three weeks before the meeting of the Synod.—See also Section 43½.

[*NOTE.—In 1868, the following motion was passed by the Synod, as a direction to the Executive Committee :—*

224. That in order to prevent, at future meetings of the Synod, the postponement, until a late period of the Sessions, of important matters affecting the interests of the Diocese, the consideration of Reports of Committees, and of all motions, in the judgment of the Executive Committee, specially pertaining to the Diocese, shall take precedence of all other motions.—Session of 1868, page 70.

#### THE STANDING COMMITTEES OF THE SYNOD.

23. The Standing Committees of the Synod shall meet quarterly, on the Second Tuesday in the months of February, May, August, and November, and at such other times as they may deem necessary ; these Committees shall be as follows :

1. The Clergy Commutation Trust Committee.
2. The Endowment of the See, Rectory Lands, and Land and Investment Committee.
3. The Mission Board.
4. The Indian Missions Committee.
5. The Widows and Orphans' Fund, and Theological Students' Fund Committee.
6. The General Purposes, Statistics, and Assessment Committee.
7. The Sunday School, and Book and Tract Committee.
8. The Audit Committee.
9. The Church Music Committee.

#### QUORUM OF COMMITTEES, &c.

24. (1) One-third of the members of the aforesaid, and of all Committees of Synod, shall be a quorum for the transaction of business.

(2) The Secretary-Treasurer shall convene the Quarterly and other meetings of each Committee.

(3) Each Committee shall from time to time choose its own Chairman.

[*NOTE.—In 1860 the Synod enacted that “all [special] committees, unless otherwise ordered, shall be named by the Chair.” Session of 1860, page 150.]*

- (c) All reports of Committees shall be in writing, signed by the Chairman.
- (c) The Chairman of each Committee, or any person on his behalf, shall explain, when requested by the Synod, any facts or other portions of the Report not understood.

[NOTE.—In 1860, the Synod also enacted that :—

(c) “All reports of Committees recommending any action or expression of opinion, shall be accompanied by a resolution for the action of the Synod thereon.”—No. 4, Session 1860, page 150.]

#### FILLING UP VACANCIES IN SYNOD COMMITTEES.

244. In the event of any vacancy occurring in the Committees of Synod during its recess, either by death, removal, or resignation of a member or members, or other cause, the lord Bishop shall be notified thereof as early as possible by the chairman of the committee in which the vacancy occurs, and shall be requested to fill such vacancy. Session of 1871, page 66.

#### CLERGY COMMUTATION TRUST COMMITTEE AND ITS DUTIES.

25. The Clergy Commutation Trust Committee of the Synod for the management of the Clergy Commutation Trust Fund of the Diocese, shall consist of sixteen members, one half of whom shall be Clergymen of the Diocese who are on the Commutation Fund, and the other half shall be nominated from among the Lay Representatives. The said Committee shall manage all real estate or personal securities held by the “Clergy Commutation Trust Committee” of the late Church Society of the Diocese, and all the proceeds accruing from the same, and shall administer the same as a distinct fund, separate and distinct from all the other funds of the Diocese, and shall invest and take up and re-invest in Government Securities, City, County, Township Municipal Debentures, all moneys coming into their hands for re-investment, and all surplus interest and dividends. They shall report to the Synod at its annual meeting a full and detailed statement of all investments and changes in investments, and of all moneys received and paid on account of the fund during the previous year. They shall further report the actual state and condition of the fund, at the time of their last quarterly meeting, shewing the nature of the different securities belonging to the fund, and

the incomes which they severally yield, and what arrears of interest may be due on any of the said securities, and the particular securities on which such interest may be over-due. The proceeds of the said fund shall be administered in accordance with the provisions of the By-laws of the late Church Society of the Diocese of Toronto relating to the same, as they existed at the time of the Incorporation of the said Church Society with the Synod, or in accordance with any By-laws adopted subsequently by the Synod. In case the surplus should at any time become insufficient to pay the amount of \$400 to each non-commuting Clergyman placed on the list of annuitants on the said fund in accordance with the By-law of the late Church Society, then a proportionate reduction shall be made from the annuities payable to all such non-commuting Clergymen.

**COMMITTEE OF ENDOWMENT OF SEE—RECTORY LANDS AND INVESTMENT COMMITTEE AND ITS DUTIES.**

26. The Committee on the endowment of the See, the Rectory Lands, and Land Investment, shall consist of six Clergymen, three of whom shall be Rectors of the original Government Rectories, and of six Laymen, members of the Synod, whose duties shall be, *Firstly*, to take charge of, and administer, and dispose of, any money or sums of money, or any securities for money, and all real estate and securities, which have already been, or which may hereafter be paid, given, assigned, or devised from or by any person or persons, or bodies corporate, for the endowment of the See; *Secondly*, to dispose of the Rectory Lands of the Diocese, and to take charge of, and administer the proceeds arising from sales of the same, in accordance with the special By-law of the late Church Society governing the administration of such funds, or in accordance with any By-laws adopted, or that may be adopted subsequently by the Synod; *Thirdly*, to manage all other lands vested in the Synod, except those the management of which has been already placed under the control of the Clergy Commutation Trust Committee, and to invest the proceeds of all sales of land in Government Securities, City, County, or Township Debentures. All real estate, securities, and moneys placed under the management and control of this Committee, shall be managed, held, and administered upon the same trusts on which they were held at the time of the incorporation of the late Church Society with the Synod of the Diocese.

## MISSION BOARD AND ITS DUTIES.

27. The Mission Board shall consist of two Archdeacons, eleven Clergymen, and eleven Laymen, members of the Synod, one at least of each order from each Rural Deanery of the Diocese. A fund shall be established, to be called the Mission Fund, which shall consist of all special collections made from time to time in the Churches and Chapels of the Diocese in aid of the same, of the interest on the legacies, of all donations and subscriptions, and of all collections for missionary objects to be made annually, as hereinafter provided, in the Parishes and Missions of the Diocese, any By-law or regulation of the late Church Society to the contrary notwithstanding, and of the interest derived from the invested, proceeds of the sales of lands given for Missionary purposes; and the Fund so created and established shall be administered by the Mission Board in accordance with the By-laws of the late Church Society relating to the same, as they existed at the time of the incorporation of the said Society with the Synod, or in accordance with any By-laws that may at any future time be adopted by the Synod. It shall be the duty of every incumbent of a Parish or Mission in this Diocese to hold annually, in every Church, Chapel, or place in his Parish or Mission where Divine Service is held on Sundays, or in some other place within his Parish or Mission, a Missionary Meeting in aid of the Mission Fund of the Diocese, and to cause collections to be made for the same object, and to remit the same to the Secretary-Treasurer of the Synod not later than the last day of April in each and every year.

## INDIAN MISSIONS COMMITTEE AND ITS DUTIES.

28. The Indian Missions Committee shall consist of four Clerical and four Lay Representatives, who shall have charge of the Missions to the Indians, and shall manage and administer all moneys collected for, and all lands belonging to, such Missions, upon the same trusts on which they were held by the late Church Society at the time of its incorporation with the Synod, or in accordance with any By-laws which may hereafter be adopted by the Synod.

## WIDOWS AND ORPHANS' FUND AND THEOLOGICAL STUDENTS' FUND COMMITTEE, AND ITS DUTIES.

29. The Widows and Orphans' Fund, and Theological Students Fund Committee shall consist of six Clergymen and

six Laymen, members of the Synod, who shall be charged with the care of the Widows and Orphans' Fund of the late Church Society of the Diocese, to whom all claims for pensions to Widows or Orphans of the Clergy of the Diocese shall be referred, and by whom such claims shall be decided upon and paid, on approval of the Bishop, according to the By-law of the late Church Society governing the administration of the said Fund, or according to any By-law adopted subsequently by the Synod. It shall also be the duty of the said Committee to make annually to the Synod a detailed report of the state of the Fund, specifying its several securities, the amount of income which they each and altogether yield, the number of Widows and Orphans on the Fund, and the amounts which they severally receive. The same Committee shall also have charge of, and administer, the Theological Students' Fund, for the same objects and upon the same trusts, for and upon which it was held and administered by the late Church Society, or according to any By-laws which may be adopted by the Synod for the administration of the same, and shall report annually to the Synod the condition of the said Fund and the mode in which it has been administered.

**GENERAL PURPOSES, STATISTICS, AND ASSESSMENT COMMITTEE  
AND ITS DUTIES.**

30. The General Purposes, Statistics and Assessment Committee shall consist of six Clergymen and six Laymen, members of the Synod, whose duty it shall be to provide means for the collection of, and to collect the General Purposes Fund so far as they can in pursuance of the By-laws of the late Church Society, and to manage the said Fund of the Synod on the same trusts upon which it was held at the time of the incorporation of the said Church Society with the Synod, or in accordance with any By-law which may hereafter be adopted by the Synod, and also to prepare in tabular form the answers received from the Clergymen having cure of souls to the questions put to them by the Bishop of the Diocese relating to the statistics and condition of their several Cures, which shall afford (amongst other uses) a basis of an equitable Assessment for the expenses of the Diocese, and lay such table before the Synod in a convenient form for being printed as an Appendix to the Annual Report. It shall also be the duty of the said Committee to assess the several Parishes and Missions of the Diocese for all expenses authorized by the Synod, and for all other purposes for which an assessment may be ordered by the Synod. [See latter part of Section 21.]

**SUNDAY SCHOOL AND BOOK AND TRACT COMMITTEE AND ITS DUTIES.**

31. The Sunday School and Book and Tract Committee shall consist of five Clergymen and five Laymen, members of the Synod, whose duty it shall be to obtain statistics, and to present a Report annually to the Synod on the condition and progress of Sunday Schools throughout the Diocese, to make suggestions for their improvement as they shall judge expedient, and to consider what steps can from time to time be taken to secure the publication of books suited for libraries and for instruction in Sunday Schools. It shall also be their duty to manage the Book and Tract department as the same was conducted by a Special Committee of the late Church Society, or under any regulations which may hereafter be adopted by the Synod for the management of the same, reporting annually to the Synod the condition of the said department both in relation to its stock of Books and Tracts, and the funds of the same.

**AUDIT COMMITTEE AND ITS DUTIES.**

32. The Audit Committee shall consist of three Clergymen, and three Laymen, members of the Synod, whose duty it shall be to examine into the condition of all funds, moneys, and securities belonging to, and under the control of the Synod, and to lay before the Synod annually a detailed statement of the results of their audit and examination of each separate fund—the Committee to have power to employ and pay an auditor, or auditors, for the purpose of making the regular audit.

**CHURCH MUSIC COMMITTEE AND ITS DUTIES.**

33. The Church Music Committee shall consist of six members, Clerical or Lay, whose duty it shall be to consider the musical interests of the Diocese, and to take such steps as may from time to time appear desirable to advance and improve this portion of Divine Worship.

**SEAL OF THE SYNOD AND ITS PURPOSE.**

34. The Synod shall have a Common Seal, to be adopted by a Committee appointed by the Bishop, and the Bishop of the Diocese shall have the care and custody of the said Seal; and he is hereby authorized and empowered to execute all deeds and documents which from time to time may be required to be executed on behalf of the Synod, pursuant to any resolu-

tion of the Synod, or any of the Committees thereof where such resolution is passed within the authority of such Committee. The mode of execution of such deeds and documents shall be by the Bishop causing the said Common Seal to be affixed thereto, and by his signature attesting the same.

CONDITIONS TO VALIDITY OF ACTS OF SYNOD.

35. No act or resolution of the Synod shall be valid without the concurrence of the Bishop and of a majority of the members of the Synod present, or of a majority of both orders, if a vote by orders be required: and if a difference should be found to subsist between the orders, after a vote is taken, then the subject under consideration shall stand over to the ensuing Synod. This rule is not to refer to the election of a Bishop.

ORDER OF PROCEEDINGS AT MEETINGS OF SYNOD.

36. The first meeting of the Synod in each session shall be preceded by public Morning Prayer, and a sermon, and the celebration of the Holy Communion; and the collection at the Offertory shall be devoted to Missionary or other purposes, on the recommendation of the Executive Committee. After Divine Service on the first day of meeting, a Committee of two, appointed by the Executive Committee, shall attend at the place of meeting of the Synod to receive and examine the certificates of the Lay Representatives. [The Clerical Secretary shall then call over the Roll of the Clergy, to be furnished by the Bishop, and mark the names of those in attendance; and the Lay Secretary shall call over the names of the several Parishes and their Representatives from the Synod List.]

[NOTE.—The report of the Executive Committee, adopted by the Synod in 1871, directed, “That the calling over of the Roll of the Clergy and Lay Representatives be discontinued, but that each Clergyman and Lay Representative sign his name in a book to be kept for that purpose.”]

(Note.—The Synod also enacted that, “At the meetings of the Synod it is desirable that the services of the session should, as much as possible, resemble the cathedral services of the mother church; and for that purpose a precentor of the Synod be appointed, who shall be charged from year to year with carrying out this order; and the Rev. Dr. Beaven be appointed precentor.”—*Session 1852, page 38.* In 1865 the Synod also enacted “that John Carter, Esq., be appointed Organist to the Synod, and that the Rev. Robert Shanklin be appointed successor.”—*Session of 1865, page 53.*)

The election of the Honorary Secretaries, and of the Secretary-Treasurer, shall then be proceeded with.

After this, on the first day, and on all other days after Morning Prayer, the Order of business shall be as follows:

1. Reading, Correcting, and Approving the Minutes of the Previous Meeting.
2. Appointing Committees
3. Presenting, Reading, and Referring Memorials and Petitions and Correspondence.
4. Presenting Reports.
- [5. Reading and consideration of the same.]
6. Giving Notice of Motions.
7. Taking up Unfinished Business.
8. Consideration of Motions.

On every day, after the first, the Synod shall meet at half-past Nine, A.M., and shall be opened with Prayers appointed by the Bishop for the occasion.

Should an Evening Session of the Synod be desired, notice thereof shall be given not later than five o'clock, P.M., of the same day on which the Evening Session is desired.

[**NOTE.**—The Report of the Executive Committee, adopted by the Synod in 1871, directed, “That the next order of proceedings after “No. 4, Presenting Reports,” is “No. 5, Reading and Consideration of same.”]

#### DIOCESAN MISSIONARY MEETING DURING SYNOD.

[**NOTE.**—In 1870 the Synod also enacted “that a Diocesan Missionary meeting shall constitute a part of the annual proceedings of the Synod.—Session of 1870, page 78.]

#### COURT ON CONTESTED OR DOUBTFUL SEATS IN SYNOD.

37. (f) The Bishop shall furnish to the Secretaries of the Synod, as soon after Easter as possible, a list of the licensed Clergy of the Diocese: the Secretaries shall prepare printed copies of said list, together with the list of all Lay Delegates whose names have been duly entered on the Synod list according to Section five of the Constitution of the Synod, and they shall furnish a copy of said list to each such Clergymen and Lay Delegate at the time when they are forwarding to them the circular mentioned in Section

(\*) It shall be competent for any member of the Church resident in the Diocese to object to the claim of any person on the said list to take a seat in the Synod, provided always that said objection, together with the grounds thereof in writing, be transmitted to the Secretaries at least one week before the meeting of the Synod; and that they shall, without delay, transmit a copy of the same to the party so objected to:—provided also, that objection may be taken at any time during the Session of the Synod, to any person whose name shall not have been entered on said Synod Lists.

(\*) The Chancellor of the Diocese for the time being, or in his absence the Registrar of the Diocese for the time being, together with two Clerical and two Lay Members, whose titles to seats have not been disputed before this Synod, to be appointed by the Bishop, under hand and seal, on the first day of the Synod previous to Divine Service, shall be a Court to consider such objection and to adjudicate thereon, and to them shall be referred for final adjudication all cases of doubtful certificates that may be mentioned in the Report of the Committee on the certificates of the Lay Representatives; and the decision of the Court shall be final.

[**NOTE.**—For decisions of the Court appointed under this Section of the Constitution, see Chapter IX.]

#### HOW A BISHOP SHALL BE ELECTED.

38. In the election of a Bishop to a vacant See, or to a new See, the Clergy and Laity shall vote separately by ballot; the Clergy by individuals, and the Laity by parishes. A majority of votes in each order shall determine the choice, provided that two-thirds of the Clergy entitled to vote be present and vote, and that two-thirds of the parishes entitled to vote be represented and vote; otherwise two-thirds of the votes of each order shall be necessary to determine the choice.

#### WHO SHALL PRESIDE AT ELECTION OF BISHOP.

39. On a vacancy in the See, the Dean, or the senior Archdeacon, or in his absence, the Archdeacon next in order of seniority, or in the absence of an Archdeacon, the senior Rural Dean shall, within one week from the occurrence of such vacancy, summon a meeting of the Clergy and Lay Representatives, to be held at the expiration of twenty days from the date at which such meeting shall be summoned, to elect a successor in the See.

## BISHOP ELECT TO RESIGN PREFERMENT.

40. Any Clergyman elected to be a Bishop, and holding at the time of such election any preferment or benefice, shall resign such preferment or benefice prior to his consecration.

## NEW DIOCESE TO BE BOUND BY CONSTITUTION OF OLD DIOCESE, PRO TEM.

41. In the event of a subdivision of the Diocese, the portion intended to form the new Diocese shall be bound in all their public proceedings by the constitution of the Diocese of which they form a part, until the said new Diocese shall be fully organized by the election and consecration of the Bishop.

## BY-LAWS, RULES, ETC., FOR COMMITTEES OF SYNOD.

42. The Synod may make such By-laws, Rules, and Regulations for the preservation of order, and the organization of Committees, as from time to time shall be considered expedient.—See next Chapter.

## IN UNPROVIDED CASES, CANONS AND RULES OF 1869 TO PREVAIL.

43. If any case or cases not provided for by this Constitution should arise, then the Canons, Rules, and Regulations of the Synod of this Diocese, as they existed at the time of the passing of the Act of Incorporation, shall be the rule of this Synod in such case or cases.

[*Note.*—The Synod in 1860 enacted that:—]

43 $\frac{1}{2}$ . Any proposition for an alteration of the constitution, rules of order, or canons, shall be sent to the Executive Committee, and by them laid before the Synod, to be considered at the ensuing meeting, and, if approved by a majority, shall lie over until the next meeting of the Synod; and if again approved by a majority, consisting of two-thirds of both clergy and laity, it shall be adopted.—No. 18, Session of 1860, page 147.

## CHAPTER VIII.

## Rules for the Preservation of Order.

*(Originally adopted in 1854, revised in 1856, 1857, 1859, 1860, and 1871.)*

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1. When the Bishop or other person presiding has taken the chair, no member shall continue standing.
2. When any member is about to speak, for the information of the Synod, he shall rise and address himself to the Chair.
3. No motion or amendment shall be considered as before the Synod (excepting such as may be proposed by the Bishop or Committee) unless seconded, and reduced to writing. To prevent surprise, no motion, except motions in course, shall be considered till the succeeding day of meeting.
4. No member shall speak more than twice on the same question without asking and receiving permission from the Chair. See Rule 21.
5. When a question is under consideration, no other motion shall be received, unless to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or to divide on it; and motions for any of these purposes shall have precedence in the order here named.
6. Motions to adjourn, or to lay on the table, shall be decided without debate.
7. When a motion has been read to the Synod by the Secretary, it cannot be withdrawn by the mover without the consent of the Chair.
8. Each member shall have the right to require, at any period of the debate, that a question in discussion be read for his information.
9. Any member called to order while speaking shall sit down, unless permitted to explain.
10. All questions of order shall be decided by the Chair.
11. All amendments to a motion shall be considered in the order in which they are moved.
12. When a proposed amendment is under consideration, a motion to amend the same may be made; but no after amendment to such second amendment shall be in order; yet a sub-

stitute to the whole matter may be proposed and received, provided it deals with the subject in hand.

13. All amendments to any question or amendment shall be decided on before the question or motion on which they arise is proposed for decision.

14. Whilst any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse; and when a motion is so put, no member shall retire until such motion is disposed of.

15. When a division takes place, the votes of the Clergy and Laity shall be taken separately, if required by the Bishop, or four members of each of the respective orders; and the Lay Representatives shall in all such cases vote by parishes, and when so voting, the majority shall be considered as the vote of the parish.

16. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative.

17. A question being once determined, shall not again be brought into discussion in the same session, without the special sanction of the Bishop.

18. No protest or dissent shall be entered on the minutes of the proceedings; but, when required by any one member the number of affirmative and negative votes shall be recorded.

19. An Address from the Bishop shall be in order at any time.

20. When the Synod is about to rise, every member shall keep his seat until the Bishop, or other person presiding, has left the Chair.

21. That every speaker, except in moving and seconding any motion, be limited to ten minutes; and that all speakers be timed by an assessor, or assessors, to be appointed by the Bishop to aid in the maintenance of order and obedience to the rules of the Synod.—Session of 1854, pages 34-36; of 1858, pages 85-87; of 1859, page 82; of 1860, pages 148 and 149, and of 1871, page 36.

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## CHAPTER IX.

## Judgment on Contested Seats in the Synod.

[NOTE.—The 37th Section of the Constitution provides that, “the Chancellor of the Diocese for the time being, or in his absence the Registrar of the Diocese for the time being, together with two Clerical and two Lay Members, whose titles to seats have not been disputed before this Synod, to be appointed by the Bishop, under hand and seal, on the first day of the Synod previous to Divine Service, shall be a Court to consider” objections “to the claim of any person” on the Synod, “to take a seat in the Synod, and to adjudicate thereon, and to them shall be referred for final adjudication all cases of doubtful certificates that may be mentioned in the Report of the Committee on the certificates of the Lay Representatives; and the decision of the Court shall be final.” In accordance with this provision in the Constitution, the following decisions were made by the Court in 1870-71.]

## JUDGMENT OF THE COURT, 1870.

MISSION.	DELEGATES.	OBJECTION.	DECISION.
No. 1. Cobourg.	Judge Boswell, D. E. Boulton, Andrew Hewson.	None to the 1st and 2nd. To the 3rd that the Cer- tificate states he has only commu- nicated once dur- ing the year end- ing Easter, 1870.	Mr. Hewson having com- municated twice since Easter, as since certified by the Incumbent —we allow his seat; but we do not desire to establish this ne- glect of the required number of communications during the year and our holding it condoned in this case, as a precedent to be hereafter relied on.
No. 2, Bobcaygeon and Dunsford.	H. T. Wickham, W. B. Read, Jabez Thurston.	The words “and who have commu- nicated at least three times dur- ing the previ- ous year,” being struck out of the Certificate.	The Rev. C. W. Patterson, the Incumbent, certifies that only being in Deacon’s orders the Holy Communion has only been once administered during the year, when he was able to pro- cure a visit from a Priest, when the Delegates all communicated, and as he is therefore unable to certify further, we allow the seats of the Delegates, as gen- tlemen who have availed them- selves of the opportunity to partake of the Sacrament, as often as the Church afforded them such opportunity.
No. 3. St. Catharines.	Hon. J. R. Benson, J. F. Saxon, Augustus Jukes, M. D.	Same as No. 2.	In this case, the Incumbent having certified to the Commit- tee that the two Delegates first named have communicated three times, we allow their seats. The third Delegate, on the same authority not having communi- cated three times, we disallow his seat.

MISSION.	DELEGATES.	OBJECTION.	DECISION.
No. 4. Stayner and Creemore.	W. H. Boulton.	That there is another return from this Mission signed by the Rev. Mr. Foster. Mr. Boulton's being signed by the Rev. Mr. Briggs.	On reference to the Bishop, His Lordship informed the Committee that the Rev. Mr. Briggs was superseded on the 1 <sup>st</sup> March last. Therefore we disallow his certificate to Mr. W. H. Boulton.
No. 5. Wellington Square.	W. S. Kerr, J. Manhinnick, W. Chapman; and for St. John's, Nelson, F. Villiers.	That the return gives four Representatives, while the Constitution only provides for three.	In this case, the Parish of Wellington Square have exceeded their powers in electing three Delegates from the mother church, and a fourth from Nelson. We therefore disallow the name of Mr. Chapman, the third Delegate from Wellington Square, and allow Mr. Kerr and Mr. Manhinnick for Wellington Square, and Mr. Villiers for Nelson.
No. 6. Garden River.	James Graham, J. Gillespie, Robt. Chance; and for Sault Ste. Marie, E. M. Carruthers.	Same as No. 5.	Same ruling as No. 5. We allow Mr. Graham and Mr. Gillespie for Garden River, and Mr. Carruthers for Sault Ste. Marie.
No. 7. Barrie.	D. McCarthy, Senr. Arthur Ardagh, Richard Power; and for Shanty Bay, E. G. O'Brien, Walter Raikes, and W. E. O'Brien.	That this is only one Mission entitled to a collective Representation of three Delegates.	Following our ruling in No. 5, we allow Mr. D. McCarthy, and Mr. Arthur Ardagh for the mother Church at Barrie, and Mr. E. G. O'Brien for Shanty Bay—the seats of the others are disallowed.
No. 8. St. Stephen's, Toronto.	R. S. Birteh.	That being a Priest in Holy Orders, he cannot be a Lay Representative.	The Acts under which the Synod is constituted and the Constitution enacted in accordance therewith being indefinite in their language on the point under consideration we give the Delegate the benefit of the doubt, but suggest to the Synod to consider the question fully in passing the amended Constitution. In this decision Canon Dixon is dissenting.

## JUDGMENT OF THE COURT, 1871.

MISSION.	DELEGATES.	OBJECTION.	DECISION.
No. 1. Collingwood.	A. R. Stephen, M.D. W. A. Parlane, Kivas Tully.	Due notice for two consecutive Sundays not hav- ing been given of election of the third Delegate.	In this case, Mr. R. A. Harri- son, who received a double re- turn for Collingwood and St. George's, Toronto, having elect- ed to sit for the latter, a new election was held for a third Delegate for Collingwood — to the formalities in calling which we hold the objection well-taken, and with regret must disallow the seat to Mr. Tully. We must also call attention to another infor- mality, namely, Mr. Harrison's omission to notify the Secretary- Treasurer when he elected to sit for St. George's, so that the notification of the same to the Incumbent of Collingwood might have been made by the Secre- tary-Treasurer, as required by the Constitution, instead of by himself.
No. 2. Garden River.	Thomas Angister, H. Pahurdgarno, James Graham, James Gillespie.	The last two are named as <i>Substitutes</i> , for which there seems no provision in the Constitution.	We are compelled to disallow the seats of Mr. Graham and Mr. Gillespie, the objection being well taken; but we are glad to learn that they are regularly elected for another Mission.
No. 3. Bebeaygeen.	H. T. Wickham, W. R. Read, John Irton.	That the third Delegate has not Communicated 8 times within the year, the Communi- cation not having been administer- ed in that part of the Mission more than twice during that period.	In this case the gentleman to whose seat objection is taken, is shown to have Communicated on each occasion when he could do so. There was no other op- portunity, therefore, on the rul- ing of 1870 the seat is allowed.
No. 4. Shanty Bay. Oro.	Col. O'Brien, H. O'Brien, John Steele.	That the elec- tion was the re- sult of two meet- ings.	There were two meetings, but they were regularly held, and the seats are allowed.
No. 5. Sault St. Marie.	E. M. Carruthers. [of Toronto.]	The absence of the formal certi- ficate of election, a certified copy of the proceed- ings of the Vestry being sent in lieu thereof.	We allow this seat, the fact and regularity of election being indisputable from the papers furnished, and the eligibility of the Candidate as a Communi- cant, being vouched for by his Toronto Pastor.
No. 6. Brighton.		The fees have not been paid.	The Mission is <i>ipso facto</i> dis- franchised as long as the cause of disability is allowed to con- tinue.

MISSION.	DELEGATES.	OBJECTION.	DECISION.
No. 7. St. Stephen's, Toronto.	Colonel Gillmor, Professor Buckland, H. Lloyd Hime.	<p>Irregularity in the election of the third Delegate.</p> <p>(1) That it did not take place until after fifteen days from the receipt of the notification from the Secretary-Treasurer of the vacancy.</p> <p>(2) That the mover and seconder of Mr. Hime were non-residents within the cure or parish of St. Stephen at the time of the election, or for one year previous to the said election.</p> <p>And Ineligibility of the Delegate for his not having communicated three times during the year previous to the election.</p>	<p>In this case Col. Robert B. Denison having secured a double return, namely, for this Parish and Parry Sound, and having elected to sit for the latter, a new election for a third Delegate from St. Stephen's was held, and Mr. Hime declared elected; to which election exception is taken in a protest handed in by Col. Denison, alleging irregularity and ineligibility as set out in column 3.</p> <p>We are compelled to give effect to the first objection, a purely technical one, the Constitution requiring the Incumbent to give notice (as in case 1) for two consecutive Sundays, which was done, and to hold the election within fifteen days, which, by some inadvertence was extended to 17 or 18 days; but as we are called upon to deal with technicalities, we must, as we have said, give weight to this one and disallow the election.</p> <p>It has been considered unnecessary to deal with the other objections, the first having prevailed to the disallowance of the seat.</p>
No. 8. Tullamore.	J. Coyne, M.P.	No Certificate granted to the Delegate, or forwarded to the Secretary Treasurer.	The objection in this case is taken by a parishioner on behalf of Mr. Coyne, on the supposed ground that he was not a Communicant, which is met by a distinct Certificate to the contrary from the Incumbent of Brampton, but in the absence of the usual certificate of election we are unable to do more than note the case without pronouncing any judgment.

## CHAPTER X.

## Constitution of Vestries for Free Churches.

(Adopted by the Synod in 1863.)

[**NOTE.**—In 1857, Col. O'Brien brought forward a motion on the subject of vestries for Churches in which the sittings are free. It was read and discussed, and then referred to the Executive Committee. Session of 1857, pages 21 and 28. In 1858, Col. O'Brien again brought the subject before the Synod, when the following Canon was adopted:]

Whereas there are many churches in the country, in which, by reason of there being no pews or sittings held by the members of the congregation thereof, no vestry can be legally formed for the direction of the said churches, the management of their property, or other necessary matters; and whereas by the Act of 19 and 20 Vic., intituled, "An Act to enable the members of the United Church of England and Ireland, in Canada, to meet in Synod," authority is given to the Bishops, Clergy, and Laity, members of the United Church of England and Ireland, meeting in Synod, "to frame constitutions and make regulations \* \* \* for the convenient and orderly management of the property, affairs, and interests of the Church:

**MEMBERS OF FREE-SEAT CHURCHES TO FORM VESTRIES.**

Be it enacted, that in all such churches in this Diocese, where, by reason of the seats being free no vestry can be formed, the members of the congregation of each said church shall have power and authority to constitute and form a vestry. And such vestry shall consist of such members, being of the full age of twenty-one years, as shall declare themselves in writing, in a book to be procured for that purpose by the congregation, to be members of the United Church of England and Ireland and habitually attending worship in such church. And being so formed and constituted, such vestry shall have the same power and authority, and do and perform such matters and things as are possessed and done by vestries formed of holders of pews or sittings in other churches.

**VESTRY NOT TO CHANGE ANY RIGHT, RULE OR CUSTOM.**

Provided always, that such vestry shall have no power or authority to interfere with, alter or change any right, rule or custom existing in such church by virtue of any gift, endowment or regulation of the Bishop of the Diocese, or right or interest reserved by him. Such right, rule, custom or reserved right or interest being set forth and recorded, either in a deed of gift or endowment, or by order of the Bishop, in the book hereinbefore directed to be provided for the enrolment of the members of the vestry. And which record shall be duly authenticated by the then incumbent of such church, and by the first (not less than three) members of the congregation then enrolling their names.—June Session of 1858, pages 59, 60, 88, 89.

Notz.—The draft of a new "Church Temporalities Act" prepared by a Joint Committee of the Several Diocesan Synods and published in the *Church Chronicle* for June, 1865 (pages 41-46) provided in section nine (page 9) for "Vestries and Churchwardens of Free Churches." This draft was referred back to the Committee, but in the same year the matter was brought before the Provincial Synod by Archdeacon Patton (chairman of the Committee). A Joint Committee of that Synod was appointed to revise the draft submitted by him (Provincial Synod Report, pages, 15 and 70). In 1868 this Committee reported a revised Draft of Bill, in section 8 of which provision is made for *Vestries and Churchwardens of Free Churches*, (Provincial Synod Report for 1868, pages 58-66, 76). For reasons stated elsewhere, this Bill was not submitted to the Legislature.]

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## CHAPTER XI.

### Erection and Division of Parishes, and Settlement of Boundaries.

(Adopted in 1858, and amended in 1859 and 1862.)

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[Note.—The question of fixing parish boundaries first occupied the attention of the Synod in 1853, when, on motion of Rev. Dr. Lett, the following resolution was passed :]

1. That this Synod is of opinion that great practical advantages would be attained if fixed territorial limits were defined, for the guidance of each clergyman having cure of souls within the Diocese, and therefore respectfully urge upon his lordship the Bishop of the Diocese, the propriety of devising and carrying out, so far as he may feel himself empowered, a scheme of division by which this desirable object may be secured.—Session of 1853, page 17.

[Note.—The question did not come up again during the Sessions of 1854 or 1856, but in 1857, it was brought before the Synod.—(See pages 19 and 25 of Proceedings.) The consideration of it was, however, deferred until the next session, when the following resolutions (which were amended in 1862) were passed. They are chiefly taken from the English Statute, 1st and 2nd Vict., ch. 26.]

Whereas it is expedient that defined local bounds be assigned to each settled cure, duly organized within this Diocese, and also that provision be made for the division and sub-division of existing parishes. Be it therefore enacted, by the Synod :

CONFERENCE OF ADJACENT PARISHES TO ARRANGE BOUNDARIES.

1. That the clergymen and churchwardens of each settled cure, now or hereafter to be established, shall from time to time, hold a conference or conferences with the clergymen and churchwardens of the adjacent parishes, and report the same to the lord Bishop for his consideration, and should his lordship approve of the same, then the boundaries so arranged, approved, and declared, shall be the boundaries of the parishes or cures aforesaid ; and that the expenses attending the commission shall be borne by the parishes interested, in such proportion as the commissioners may deem just.—No. 1, Session of 1858, pages 87, 88 and 88\* ; amended at the Session of 1862, pages 40 and 41.

WHERE NON-AGREEMENT, COMMISSION TO SETTLE MATTER.<sup>1</sup>

2. That in cases where the boundaries cannot be arranged by such mutual agreement, then that the Bishop be requested to issue a commission to two clergymen, and to one lay representative, none of whom shall be locally connected with said parish or cure, directing and authorizing them to investigate the merits of the case, and to decide thereon and to report their decision to the lord Bishop for his consideration, and should his lordship approve of the same, then the boundaries so arranged, approved, and declared, shall be the boundaries of the parishes or cures aforesaid.—No. 2, Session of 1858, pages 57, 87, and 88.\*

BOUNDARIES NOT TO BE CHANGED FOR FIVE YEARS—PRESENTATION.

3. That the boundaries of a parish or cure being once defined, approved and declared, may not be disturbed within the space of five years, except in the case of new parishes. And that every new and distinct parish that shall be erected as hereinafter provided, shall be deemed, and is hereby declared to be a parish or benefice with cure of souls ; and that the right of presentation, upon avoidance, to the said benefices, unless legally vested in some other person or persons, shall vest in, and be exercised by the Bishop of the Diocese ; and that after collation, institution, and induction by the Bishop,

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the person so appointed to any such benefice shall be styled, and to all intents and purposes deemed, the Rector of the said Parish.—No. 3, Session of 1858, pages 57, 87, and 88\*; amended at the Session of 1859, pages 32, 33 and 90, (section of Canon called §2 by mistake on page 32).

## MODE OF SETTING APART NEW PARISHES.

4. When any of the parishioners residing in any parish or any adjoining parishes, shall have a desire to have a new and distinct parish erected, the said parishioners shall present a memorial to the lord Bishop, stating fully the reasons moving thereto, also the proposed boundaries of the contemplated new parish, and whether the rector or rectors of the parish or parishes aforesaid be a consenting party, and when the Bishop of the Diocese shall be satisfied that the provision of the *xviith* section of the Church Temporalities Act have been complied with, or that the means for the worship of God have been provided, that then his lordship shall declare said portion of the parish to be a new parish. In cases where the rector of the existing parish or parishes withholds his or their consent from the preliminary memorial, that he be required to state his reasons in writing, within one month, to the lord Bishop, who is to decide on their validity.—No. 4, Session of 1858, pages 57, 87, 88 and 88.\*

## SEVENTEENTH SECTION OF CHURCH TEMPORALITIES ACT.

[*NOTE.*—The Seventeenth Section of the “Church Temporalities Act,” to which reference is here made, is as follows:—“In the event of any person or persons, bodies politic or corporate, desiring to erect and found a church or churches, and to endow the same with a sufficiency for the maintenance of such church and of Divine Service therein, according to the rites of the said Church of England and Ireland, it shall and may be lawful for him or them to do so, upon procuring the license of the Bishop, under his hand and seal, for that purpose; and thereupon, after the erection of a suitable church, and the appropriation by the founder thereof of such church so erected, and of lands and hereditaments, or other property, adequate to the maintenance thereof and of an Incumbent, and adequate to the usual and ordinary charges attendant upon such church, such provision being made to the satisfaction of the Bishop, such founder, his heir and assigns, being members of the said Church of England, or such body politic or corporate, as the case may be, shall have the right of presentation to such church, as an advowson in fee presentative, according to the rules and canons of the said United Church of England and Ireland.”]

## BOUNDARIES TO BE REGISTERED.

5. That the boundaries of every parish erected under the authority of this Canon, be entered and registered in a book to be kept by the Secretaries of the Synod for that purpose, and that a copy thereof be furnished to any person applying, on payment of a fee of twenty cents.—No. 5, *Ibid.*

[NOTE.—A description of the boundaries of various parishes in the city of Toronto, under the foregoing canons, will be found in the *Church Chronicle* for May 1863, pages 22, 23.]

## CHAPTER XII.

## Management and Control of Church Property.

## I. Church Property vested in the Church Society and Synod.

[NOTE.—The following is an extract from the report of a joint committee of the Synod and Church Society, laid before the Synod at the Session of 1860, (pages 178, 184 and 206,) and adopted by it at the Session of 1861, page 289.]

## VESTING OF CHURCH PROPERTY IN CHURCH SOCIETY.

1. That the Synod shall vest in the Church Society the management and control of all the property of the Church, in or over which the Synod may or might exercise jurisdiction, either alone or concurrently with the Church Society. Provided that any by-laws respecting such property, passed by the Church Society, shall be submitted to the Synod, in the same manner and to the same effect as by-laws of the Church Society respecting the Sustentation, Mission, and Widows and Orphans' Funds.—Confirmed, Session of 1861, page 289.—See Chapter on the “*Church Society of the Diocese.*”

## REVESTING OF CHURCH PROPERTY IN THE SYNOD.

[NOTE.—On the incorporation of the Synod in January, 1869, and the amalgamation with it of the Church Society, the property heretofore vested in the Church Society became vested in the Synod, under the Incorporation Act of that year, as follows:]

4. All the property, of what nature or kind soever, now held by or vested in the said Church Society, shall be and is hereby declared to be vested in the Synod of the Diocese of Toronto, without any conveyance thereof by the said Church Society to the said Synod; and the name of the said Synod is and shall stand and be in the place of the name of the said Church Society in all deeds and other writings relating to the property and affairs of the said Church Society, and in all suits and proceedings, either at law or in equity, by or against the said Church Society.

#### SYNOD SUBJECT TO LIABILITIES OF THE CHURCH SOCIETY.

5. The said Synod shall be subject to all the liabilities of the said Church Society, and shall hold all property vested in trust in the said Society upon the same trusts as such property was heretofore held by the said Society, and shall administer the same according to such trusts; and all claims, rights, suits, actions, cause and causes of suit and action, which might but for this Act be brought, prosecuted, or enforced, by any person or persons, body or bodies corporate whatsoever, against the said Church Society of the Diocese of Toronto, may be brought, prosecuted and enforced against the said Synod, and against its funds, property and effects; and nothing herein contained shall relieve any officer or corporator of the said Church Society from any existing claim or liability at law or in equity, or take away any right of action or suit of any corporator of the said Society or other person, or of the said Society, in respect of any of the affairs or property of the said Society. *Act of Incorporation, (assented to 23rd January, 1869), 32 Vic. ch. 65. Session of 1869, pages 110, 111.*

#### II. Security and Protection of Church Property.

[*NOTE.—In 1862 the following resolution was passed:—*]

1. That a Committee be appointed for the purpose of inquiring into and reporting upon the best means by which the property of the church, especially as regards the payment of taxes on occupied lands, insurance and repairs of buildings, etc., can be protected, either by commissioners, as in England, or otherwise, as may be considered better adapted to the laws and circumstances of this province.—*Session of 1862, page 39.*

## CHURCHWARDENS TO FURNISH STATEMENT OF PROPERTY.

[**NOTE.**—In 1863 this Committee made the following report:]

2. That until the proposition of S. B. Harman, Esq., for a regular registration of deeds [be concurred in by the Synod], the Rural Deans should require from the several churchwardens a detailed statement of the church property within their several parishes on the 7th of April in each year; and the several Deans should report the same to the Archdeacon on the 7th of May in each year, for the information of the Synod. Session of 1863, page 24.

[**NOTE.**—An elaborate report of the committee on the subject of the security of Church property, was laid before the Synod in 1864. The report was received, and the following resolution was passed:]

3. That the report of the Committee on the subject of security of Church property be received and printed for circulation. Session of 1864, page 31.

[**NOTE.**—Nothing on this subject was done in 1865; but in 1866 a Canon was introduced, embodying the report of the Committee of 1864. After some discussion it was laid over until the next meeting of Synod.—Session of 1866, pages 51-56. In 1867, the canon was again introduced, but its consideration was deferred.—Proceedings of Synod, pages 42-46. Towards the close of the Session its adoption having been moved, the following amendment was carried:]

4. That the consideration of the canon proposed by Col. O'Brien be postponed till next Synod, and be then taken up in the first order of business.—Session of 1867, pages 42-46, 64, 65.

## REPAIRS OF CHURCH AND PREMISES TO DEVOLVE ON VESTRY.

[**NOTE.**—In 1868, Col. O'Brien brought up the canon on the security of Church property, which after amendment was adopted as follows:]

1. That the “Church Temporalities Act” having placed the Church and the Churchyard under the immediate care of the parish, acting through its vestry, all repairs and expenses of, and attending the same, necessarily devolve on said vestry.

ERECTION AND REPAIRS OF PARSONAGE HOUSE, ETC.—WHEN  
TO BE BORNE BY VESTRY.

2. That with respect to the parsonage house and buildings, the parish shall bear all expenses of erection and material re-

pairs, including painting inside and out ; the parish shall bear all expenses of original erection of parsonage, fences, and gates ; and shall further be responsible to the Incumbent, on his induction to the parish, for their efficient order and repair at the time of said induction ; but it shall then be the duty of the Incumbent to keep them at all time in like efficient order and repair. The standard of such efficient order and repairs as to gates and fences being the municipal rule or law, where such exists, or otherwise the ordinary custom and rule of land-land and tenant.

**INCUMBENT TO BEAR EXPENSE OF REPAIRS—APPEAL.**

3. Should the Incumbent, by wilful negligence, or by any act of commission or omission, suffer the said buildings, gates, or fences, to get out of repair, it shall be the duty of the Churchwardens to point out such dilapidations to the Incumbent, and request him to remedy the same ; and the Churchwardens, may, after three months, and if there be no appeal to the Bishop, employ a suitable mechanic or mechanics to execute the necessary repairs ; and the certified expenses thereof they may deduct from any funds in, or passing through, their hands, payable to the Incumbent. But should the Incumbent feel aggrieved by such contemplated action of the Churchwardens, he may appeal to the Bishop, who shall, if he sees fit, appoint a Committee, consisting of the Rural Dean, and one or two, or more neighbouring Clergymen and laymen, to be named by the Bishop, or under his authority by the Archdeacon ; which Committee shall enquire into the same, reporting their decision to the Bishop or Archdeacon, as the case may require ; and such decision, when approved by the Bishop or Archdeacon, shall be final.

**MATERIAL REPAIRS, BY WHOM TO BE BORNE—MORTGAGES.**

4. Should any extensive improvements or repairs become necessary from lapse of time, or otherwise, such as new roofing, painting, or replacing of matters necessary to the stability or safety of the buildings, erection of new fences, or placing the same in efficient repair and order as pointed out in the foregoin section, it shall be the duty of the Clergyman to lay a detailed statement of the same, with an approximate estimate of the expense before the usual Easter meeting of the vestry, having previously given notice of his intention to do so, or before a vestry meeting specially convened for that pur-

pose; and should the members of the vestry sanction the same, the Churchwardens shall forthwith proceed to effect the necessary repairs, providing for the expenses thereof from the funds of the Church, by parochial subscriptions, or by any other mode determined by the vestry; provided that in no case shall the property of the Church be so encumbered by debt or mortgage to a greater amount than one-fifth of the value of the property, to be ascertained by competent valuation, nor shall the expense of such improvements or repairs be defrayed from any funds appropriated to or pertaining to the support of the Clergyman.

#### CHURCHWARDENS TO HAVE BUILDINGS INSURED.

5. That whereas no proper precaution should be omitted for the preservation of the property of the Church, it shall be the duty of the Churchwardens to keep all the buildings thereof constantly insured in some responsible office.

#### RECORD OF TITLES BOOK TO BE KEPT.

6. That a book of record be kept in every Church by the wardens, in which shall be entered a sufficient abstract of all titles and deeds by which the lands of the said Church, whether site of Church, burial ground, glebe, endowment, or whatsoever they may be, are held, showing their date, by whom given, situation, quantity of land, conditions of trust or gift, when and where registered, and any other information necessary to a full understanding of the same; also, if wild or unoccupied land, whether any or what provision is made for payment of taxes, when the taxes have been paid, and what arrears of taxes may from time to time accrue.

#### WHEN TAXES SHALL BE PAID BY INCOUMBENT.

7. That whereas there is much valuable, though at the time unproductive, land held as endowments for Churches or parishes, and much loss has been incurred by the sale of such lands for taxes, it is necessary to define on whom the responsibility of the payment of such taxes should rest. In all cases where wild land or waste lands are held, being unproductive, and the Incumbent deriving no benefit from them, the expense of maintaining such lands should be a charge on the parish or church, for the benefit of which they are given; and in all cases where any benefit or emolument is derived from

any such piece or parcel of land by the Incumbent, or on his behalf, then the expenses of taxation should be borne by such Incumbent.

**PARTIES HOLDING CHURCH PROPERTY TO SEND STATEMENT TO CHURCHWARDENS.**

8. That in accordance with the foregoing, the Church Society, or other parties holding real estate or other property in trust for any particular Church or parish, do send a statement of the same to the Churchwardens of such Church or parish, to be recorded as hereinbefore directed.

**DOCUMENTS AND RECORDS TO BE KEPT IN A STRONG BOX.**

9. That for the convenient safe-keeping of such record-book, as well as other documents, papers, or records, a sufficient strong box with lock and key, shall be provided by the Churchwardens, and kept in the vestry of said Church; and shall be at all times under such ordinary and convenient regulations as may be adopted by the vestry, open to the inspection and for the information of the parish, as well as for any duly authorised officer of the Church.

**DUTY OF RURAL DEANS AND ARCHDEACONS.**

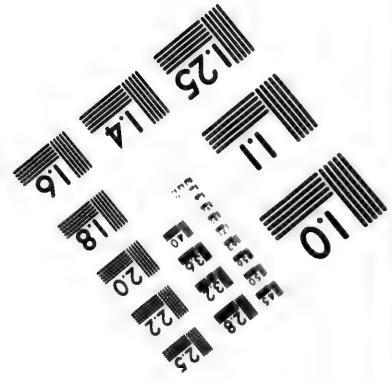
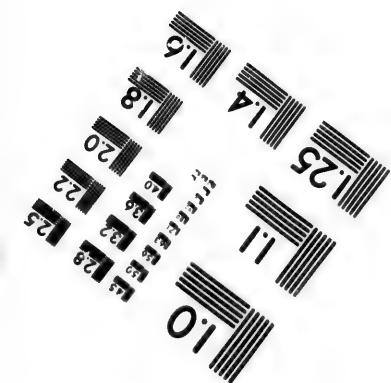
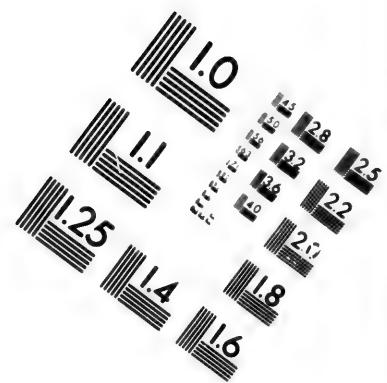
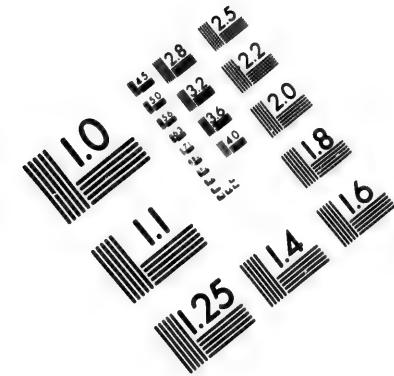
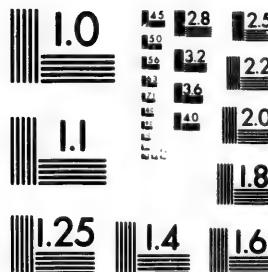
10. That for the purpose of duly enforcing the foregoing regulations, it shall be the duty of the Rural Deans, each in his own Rural Deanery, acting under the authority of the Bishop or Archdeacon, carefully to examine into the same from time to time as he may be required, or have convenient opportunity and to take such steps, in cases of neglect and failure, as may be necessary therein, according to the authority with which he is clothed; also, that the Archdeacon shall, in his visitation, examine into all such matters, either approving of the manner in which such rules and regulations have been carried out, or otherwise if not so done, and in any case of neglect or non-compliance, to take such steps as may seem to him desirable in the premises; making an entry in the record-book of each Church, of such examination, and the result thereof.

**III. Registration of Deeds of Church Property, &c.**

[**NOTE.**—In 1858 the following resolution was adopted :]

1. That a committee be appointed to take into consideration the best mode of proceeding for the registry and safe

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custody of all deeds relative to Church property.—Session of 1858, page 146.

[**NOTE.**—A Report of this Committee was presented at the Session of 1859, [pages 65 and 99]; nothing further, however, was done on this subject until 1862, when the committee on registration of deeds &c., was re-appointed (See proceedings of 1862, page 39,) and in 1863, presented its report (See proceedings of 1863, page 22). In 1863, the committee was continued, (See proceedings of 1863, page 18), and, in 1864, presented its report on the subject, (See proceedings of 1864, page 25.) This report was concurred in and the following resolution adopted :]

PRINCIPLE OF REGISTRATION ADOPTED BY THE SYNOD.

2. That the report of the committee on registration be received, and that the Synod in receiving the same adopt the principle therein commended, of the necessity of a complete system of church registration; \* \* \* that the Provisional Registration Committee recommended in the report be appointed, with power and authority to place themselves in communication with the rectors, incumbents, and churchwardens of parishes and missions, with the view to the collection of further materials and data on this important subject; and that they are further requested to propose a canon to be submitted to the next session of Synod, to make the proposed system to go into operation.—Session of 1864, page 31.

[**NOTE.**—In 1865, the following resolution on this subject was adopted ;]

3. That the Provisional Registration Committee not having been able to report at the present Synod, be re-appointed, with the same powers and for the same purposes named in the resolution for their original appointment at page 31 of the printed minutes of last session.—Session of 1865, page 48.

[**NOTE.**—In 1866, the Committee was re-appointed, but never reported. No committee was appointed on the subject in 1867, 1868, 1869, 1870, or 1871.]

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## CHAPTER XIII.

*Sale of Rectory Lands.*

[**NOTE.**—In 1865, a memorial to the Legislature was adopted by the Provincial Synod, “praying for permission to sell Rectory Lands in the several Dioceses of the Province,”—“the proceeds thereof to be invested and applied to the purposes for which the said lands were originally granted.” The memorial was entrusted to the Hon. J. H. Cameron.—(Journal of Provincial Synod, 1865, pages 48, 49, and 66.) The memorial having been presented to and favourably entertained by the Legislature, an Act was passed in August, 1866, (29 and 30 Vic., ch. 16,) “To Provide for the sale of Rectory Lands in this Province.” In June, 1867, the Church Society of the Diocese of Toronto passed a by-law for giving effect to the Act, and appointed a committee to carry it into effect. This By-law is as follows:—

“Whereas according to the provisions of an Act of Parliament in that behalf, the Church Society of the Diocese of Toronto is vested with power and authority to sell and dispose of any lands granted by the Crown, as a glebe of, or as appurtenant to, or belonging to, or appropriated for, any Rectory in the said Diocese, by whatever name the same may be called, and in whomsoever the title thereof may be vested, subject to the proviso in the said act contained, for protecting the interests of the existing incumbents of said Rectories, in effecting such sales and dealing with the proceeds thereof:

“And whereas it is necessary and expedient to create and appoint a Special Committee of the said Church Society to carry the said Act into effect, and to lay down certain general rules for the guidance of such Committee:

“Be it therefore enacted, &c., \* \* \* 2. This committee shall have the supervision of all the Rectory Lands within the Diocese, and shall make such rules and regulations for the sales of such lands, as they shall from time to time see fit, and shall report all such rules and regulations, and any change or alterations thereof at the next Quarterly Meeting of the Society, and the Society shall have full power and authority to alter or annul the same or any part thereof.

“3. The Committee shall also make, and have charge of, all investments arising out of the sales of the Rectory Lands, and shall keep separate accounts for each Rectory, both as to the principal and interest arising from sales, and of the investments thereof, and the payment of the Incumbent or Incumbents out of the income thereof.

“4. The Committee shall keep all necessary books of account, and may appoint an officer for keeping the same, and remunerate him therefor, and all charges of management shall be apportioned among

the several Rectories in proportion to the income of such Rectory derived from the sales of its Rectory Lands or any part thereof, or the investments therefrom.

“ 5. All sales shall be carried out, and all securities and investments be taken under the superintendence of the Solicitor of the Society.

6. The Committee shall report to the Society whenever required, and always at the Annual Meeting in June, when their report shall include all transactions up to the thirtieth April then last past, and shall shew the account of each Rectory for which any sales have been made for the past year, exhibiting the sum for which any sale has been made, the amount paid; the amount unpaid, and how secured; any investment made; the interest payable; the principal and interest, if any, in arrear; and the charges of management, and any other expenses incurred during the year, and which account shall be audited and verified by auditors to be appointed by the Society for that purpose. (“ *Church Chronicle* for July, 1867, pages 27, 28, and *Church Society Report* for 1868, page 12). This by-law was reported to the Synod in 1867, and in regard to it, the following Canon was passed : ]

Whereas, by the permission of the Act of Parliament in that behalf, the assent of the Synod of this Diocese is required to the sale, by the Church Society, of any of the Rectory Lands that come within the said Act.

#### ASSENT OF SYNOD TO SALES OF RECTORY LANDS.

1. Be it enacted, that the Bishop, Clergy, and Laity, of this Diocese in Synod assembled, shall, and do hereby assent to any sale or sales of said Rectory lands that may be made by the Church Society of the Diocese of Toronto, after such sale has been agreed to in writing by the Incumbent for the time being of such Rectory, and approved by the Committee of the Synod of this Diocese hereinafter named.

#### STANDING COMMITTEE TO ACT ON BEHALF OF SYNOD.

2. That a standing Committee of this Synod, \* \* \* \* shall be annually appointed by the Synod, to act on behalf of the Synod in giving or refusing assent to any sales of the said Rectory Lands by the said Church Society, and no sale shall be effectual until assent has been given thereto by the Committee, or a majority of the Committee, and every deed of such sale shall be under the Seal of the Synod as well as of the Church Society.

#### COMMITTEE TO KEEP RECORD AND REPORT TO SYNOD.

3. The said Committee shall keep a record of all their transactions, and shall report to the Synod.—Session of 1867, pages 65, 66.

[**NOTE.**—In 1870 an amended Constitution of the Synod was passed which provides, in section 26, for a Standing Committee on Rectory Lands, and two other matters. That part of the section relating to Rectory Lands provided :]

**SYNOD COMMITTEE MAY DISPOSE OF RECTORY LANDS.**

4. That the Committee shall have authority to dispose of the Rectory Lands of the Diocese, and to take charge of and administer the proceeds arising from sales of the same, in accordance with the special by-law of the late Church Society governing the administration of such funds, or in accordance with any by-laws adopted, or that may be adopted subsequently by the Synod.—Session of 1870, page 94.

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## CHAPTER XIV.

### *Sale of Glebe Lands.*

[**NOTE.**—The Statute 28 Vic., ch. 54, was intended to give to the Bishops, Rectors, and Members of the Diocese of Toronto the same powers as the Act 25 Vic., ch. 86, gives to the Bishop, etc., of the Diocese of Ontario, to sell and transfer lands and personality vested in them. A doubt having been felt on the subject, the matter was brought up in the Synod of 1870, and the following resolution was proposed by Canon Read :—“That the Solicitors of the Synod be instructed to apply to the Provincial Legislature to amend the Act intended to give the Diocese of Toronto the same powers respecting the sale of glebe lands as those possessed by Huron and Ontario.” In amendment, it was moved and carried :]

1 “That a Select Committee be nominated by his lordship the Bishop, to whom be referred the subject matter of the resolution of the Rev. Canon Read, with power to act thereon.”—Session of 1870, pages 40 and 72.

**NOTE.**—This Committee having been appointed by the Bishop, considered the matter and reported that the objection urged was well founded, and “that further legislation” was “necessary in the premises.” A draft of Bill to facilitate this further legislation was presented, but nothing further seems to have been done about it.—Session of 1870, pages, 201, 202. The matter did not come before the Synod in 1871.]

## CHAPTER XV.

*Patronage of the Rectories.*

[NOTE.—The right of presentation to the Rectories, which were established in Upper Canada by Sir John Colborne, having, up to 1851, been vested in the Governor of the Province, (as representative of the Queen), it was in that year transferred to the Church Society by the Act, 14 and 15 Vict., chap. 175, as follows :

“The right of presenting an incumbent or minister to any Parsonage or Rectory, shall rest in, and be exercised by, the Church Society of the Church of England Diocese, within which the same is situated, or in such other person or persons, bodies politic or corporate, as said Church Society, by any By-law or By-laws to be by them from time to time passed for that purpose, may think fit to direct or appoint.” Consolidated Statutes of Canada, chap. 74, sec. 4.

Under the authority of this Statute, the Church Society gave the right of presentation to the Rectories to the late Bishop of the Diocese, on the 5th of January, 1853, on motion of the Hon. Chief Justice Robinson, as follows :

“That the By-law submitted at the last monthly meeting by the Committee appointed to draft a By-law on the subject of the disposal of the Patronage of the Rectories at the Special Meeting held on the 18th of November last be now adopted and recorded on the Minute Book of the Society :

“Whereas by an Act of the Parliament of the Province of Canada, passed in the fifteenth year of Her Majesty’s reign, to which the assent of Her Majesty in Council was declared by Proclamation published on the ninth day of June in the year of our Lord, one thousand eight hundred and fifty-two, which said Act is intituled, ‘An Act to repeal so much of the Acts of Parliament of Great Britain, passed in the thirty-first year of the Reign of King George the Third, and chaptered thirty-one, as relates to Rectories and the the Presentation of incumbents to the same, and for other purposes connected with such Rectories,’ it is enacted that, in the event of its being judicially decided that any of such Parsonages, or Rectories, as are in that Act referred to, were erected according to law, and until a judicial decision shall be obtained on such question, the right of pre-

senting an Incumbent or Minister to such Parsonage or Rectory, shall vest in and be exercised by the Church Society of the Church of England Diocese within which the same shall be situated or in such other Person or Persons, bodies politic or corporate, as such Church Society, by any by-law or by-laws, to be by them from time to time passed, shall or may think fit to direct or appoint in that behalf. Be it therefore enacted and ordained by the authority of the Acts hereinbefore recited, and of the Acts passed in the seventh year of Her present Majesty's reign, entitled 'An Act to incorporate the Church Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto.' That from and after the passing of this by-law, the right of presenting an Incumbent or Minister to any Parsonage or Rectory within the present Diocese of Toronto, which, by the said Act passed in the fifteenth year of Her Majesty's reign, is vested in the Church Society of the Diocese of Toronto, to be exercised by them or is vested in and appointed to be exercised by such other person or persons, bodies politic and corporate, as such Church Society shall in manner aforesaid direct or appoint, shall be vested in and be exercised by the Right Reverend John Strachan, the present Bishop of the Diocese of Toronto, so long as he shall live and continue Bishop of that Diocese, provided always that in the event of the present Diocese of Toronto being divided, then the provision made by this by-law, shall, in respect to any presentation or appointment to be thereafter made, apply and extend only, to such part of the present Diocese of Toronto, as shall form the See over which the present Bishop of Toronto shall continue to preside, and so long only as he shall live, and continue to be Bishop thereof.

"And be it further declared, enacted, and ordained, that the presentations which have been made by the Bishop of Toronto to any Parsonage or Rectory, or Parsonages within this Diocese since the said Act of the Parliament of this Province, passed in the fifteenth year of Her present Majesty's reign, came into force, shall be and the same hereby ratified and confirmed."—Minutes of the Society, 5th January, 1853.

[NOTE.—The question of the *future* patronage of the Rectories was brought up in the Church Society in June, 1853, and a by-law prepared in reference to it. Its consideration was deferred, as will be seen from the following :

“Resolved, That the further consideration of the By-law in reference to the future patronage of the Rectories be referred to the meeting of the Church Society in September, and with a view to give effect to the declaration of the Lord Bishop of the Diocese that it ~~was~~ desirable to make a more equitable distribution of the Funds attached to the Rectories, that a Committee be appointed to enquire into the nature and amount of the same, to report thereon at the intended conference. This resolution was withdrawn, and it was moved by the Hon. Mr. Cameron:

That the further consideration of the By-Law as to the future Patronage of the Rectories, be postponed until the next Annual Meeting of the Society. Agreed to.—Church Society Minutes, 2nd June, 1853.

[NOTE.—There is no record that this matter was brought up at “the next annual meeting of the Society,” or at any subsequent meeting, until 1866, when this subject was again brought before the Church Society by the Rev. Mr. Holland, and the following resolution was passed:]

“Whereas the patronage of the Rectories in this Diocese has, by a by-law of the Society, been vested in the present Bishop thereof, and whereas it is expedient to make further provision in reference to the patronage of said Rectories before the time arrives when the Synod will be called on to elect a successor, or coadjutor, to the Venerable Bishop who now presides over the Diocese, Be it enacted,

“That at the demise or resignation of the present Bishop of this Diocese, the patronage of the Rectories shall be exercised by the Bishop thereof for the time being. That the foregoing by-law be now read a first time, and that it be brought up for confirmation at the next annual meeting of the Society, should the counsel of the Society see no legal objection thereto.”—Minutes of Church Society, 22nd February, 1866, page 92.

[NOTE.—There is no record in the Chnrch Society’s minute book that this resolution was brought up at the annual meeting, or confirmed. At the last (quarterly) meeting ever held by the Church Society, (on the 11th of November, 1868,) it was moved by the Rev. Mr. McCollum, “That, whereas by Act of the Provincial Parliament the right of presenting to vacant Rectories is vested in the Church Society of this Diocese; and, whereas there is reason to apprehend no small inconveniences and difficulties in the exercise of such rights;

and, whereas the sentiment of the Church appears to be adverse to the total exclusion of the Episcopal voice in said appointments, as may be inferred from the regulations lately in force in this Diocese, and also at present in force in the Dioceses of Huron and Ontario; this Society resolves to confer, and does hereby confer, upon the lord Bishop of Toronto, the power of nominating, when any vacancy in a Rectory occurs, three persons to the vestry of such Rectory, from whom the said vestry shall have the privilege of selecting one who, thereupon, shall be inducted as Rector by the authority of the lord Bishop of the Diocese." In amendment it was moved by Rev. Rural Dean Lett

"3. That the consideration of the resolution now read be adjourned till the next meeting of the Society, (or in the event of the incorporation of the Synod, till the next meeting of that body,) and that should any Rectories fall vacant in the interim, that the patronage of such Rectories, be, and is hereby declared, vested in the lord Bishop. This amendment was carried.—Minutes of Church Society, 11th November, 1868, pages 224, 250, 251.]

On the incorporation of the Synod in 1869, the Church Society was merged in the Synod, and the right of presentation to the Rectories was transferred from the Church Society to the Synod of the Diocese, by the Act, 32 Vict., chap. 51, as follows:

"The said Synod shall have all the powers, rights, privileges, and franchise, conferred upon the Church Society, [hereby united to and incorporated with the said Synod], by several Acts of the Legislation of the Province relating to the said Church Society."—Session of Synod, 1870, pages 101, 102.

The subject was brought before the Synod, as part of the "unfinished business of the late Church Society."—(Page 36 of Proceedings.) It was moved,—"That whereas the patronage of the Rectories is now vested in this Synod, or in any body corporate, or person to whom the Synod may grant it: Be it enacted that in all future appointments to these Rectories, the lord Bishop do name three Clergymen to the Vestry of such vacant Rectory, and that the said Vestry do then select one of the Clergymen so named and present him to the Bishop for induction to the said Rectory."

In amendment it was moved, "That all after the words 'these Rectories' be omitted, and that the following be substituted:—"the patronage be as heretofore, vested in the lord Bishop."

It was further moved in amendment, "That there be a Patronage Committee consisting of four members,—two Clergymen, to be named by the lord Bishop, and two Laymen, to be elected by the

Synod at the annual meeting thereof; and whenever a vacancy shall occur in any Rectory, a vestry meeting shall be called by the Churchwardens, within one fortnight after such vacancy occurs, for the election of three delegates, who, in conjunction with the Patronage Committee, shall nominate to such Rectory a Clergyman of the United Church of England and Ireland not under ecclesiastical censure." This amendment was lost on the following vote: Yeas, 78; nays, 93; lost lay votes, 8. The first amendment was also lost: Yeas, 78; nays, 53; lost lay votes, 4.

It was then moved, "That when a vacancy shall occur in any Rectory, by the death or removal of the incumbent, a vestry meeting shall be called, when the names of two or more clergymen shall be agreed upon by a vote of the pew-holders and male communicants, and presented to the Bishop, who shall appoint one of the clergymen named to the vacancy, or the vestry meeting may delegate to the Bishop the entire choice." The amendment was lost.

In amendment again, the following resolution was proposed: "That the patronage of the Rectories be vested in the lord Bishop, provided that no appointment to any vacant parish be made but with the concurrence of the majority of the Churchwardens and the Delegates to the Diocesan Synod, resident in the parish, from the Rectory interested; or unless the majority of the above-named Churchwardens and delegates express to the lord Bishop, in writing, their desire that he should make the appointment, without reference to them." This amendment was also lost.

Again it was moved, "That when a vacancy shall occur in any Rectory, by the death or removal of the incumbent, a vestry meeting shall be called, when the names of two or more clergymen shall be agreed upon by vote of the pew holders and male communicants, and presented to the Bishop, who shall appoint one of the clergymen named to the vacancy; or the vestry meeting may delegate to the Bishop the entire choice." The amendment was lost.

Again it was moved, "That the appointment to the Rectories be vested in the lord Bishop of the Diocese, provided that, before making any appointment to a vacant parish, he shall first confer with the churchwardens and lay delegates resident in the parish, giving them an opportunity of stating any objections, or supposed objections, to his nominee." This amendment was lost. It was then moved:—

1. That the patronage of the Rectories be vested in the Bishop of the Diocese until the close of the next meeting of the Synod.

2. That a Committee of six members, three clerical and three lay, shall be named by the Bishop to confer with him, and report to the Synod at its next Session, in what manner the patronage of the various rectories and incumbencies in the

Diocese shall be dispensed. This amendment was carried.—Session of 1869, page 44.

[**NOTE.**—The Bishop announced that he had appointed the following Committee to confer with him respecting the Patronage of the Rectories and Incumbencies, in accordance with the resolution passed at the Morning Session of the Synod: the Very Rev. the Dean of Toronto, Ven. Archdeacon of Toronto, Rev. J. G. Geddes, Hon. J. H. Cameron; S. H. Blake, and Clarke Gamble, Esqs.—pages 55, 56. In 1870, this Committee reported as follows:]

The Committee appointed at the last Annual Session of the Synod to “confer with the lord Bishop, and to report to the Synod in what manner the patronage of the various Rectories and Incumbencies in the Diocese shall be dispensed,” beg to report, that the Committees have had several conferences with the lord Bishop in reference to the important subject of the future administration of the patronage of this Diocese, and that, as the result of such conference, and of their anxious and careful deliberations, the Committee, with the concurrence of the Bishop, report the following proposed Canon to the Synod, and recommend its adoption:—

1. The Synod of the Diocese shall elect annually two Clerical members and one Lay member of the Synod, to be a Committee of Patronage for the Diocese, who shall hold office until the next annual meeting of the Synod.

2. When a vacancy in a Parish or Mission shall occur, the Committee of Patronage of the Diocese, together with the Lay Delegates of the Parish or Mission so vacant, shall form a Board of Nomination to fill such vacancy.

3. This Board shall nominate one Clergyman in Priest's orders, and otherwise fitted to undertake such cure, and shall return his name to the Bishop, who shall forthwith institute the Clergyman so nominated, if satisfied of his fitness.

4. If such approval be not had, a fresh nomination shall be made as aforesaid, by such Board, and so on, until the Bishop is satisfied as to the fitness of the Clergyman proposed, who shall thereupon be instituted by him.

5. When no nomination shall be made to the Bishop within two months after a vacancy in any Parish or Mission shall have occurred, the appointment to the incumbency of such Parish or Mission shall lapse to the Bishop.

6. The foregoing provisions shall not apply to any Parish or Mission, the Incumbent of which is paid either wholly or partially from the Mission Fund; so long as such payment shall be required, the nomination shall be in the Bishop.

7. It shall be lawful for the Nominators of any cure, upon the occurrence of a vacancy, to signify to the Bishop in writing their

desire to leave the nomination to him, who shall thereupon institute any duly qualified Clergyman whom he may think fit.—Session of 1870, pages 68, 69.

[NOTE.—The adoption of this report having been moved, it was moved in amendment, “That clause two of the Canon be struck out, and the following inserted in its place, “When a vacancy in a Parish or Mission shall occur, a meeting of the congregation shall, within fourteen days from the occurrence of such vacancy, be called by the Churchwardens of the Church or Churches within such Parish or Mission, at which meeting three Laymen, to be called Nominators, shall be elected by those legally entitled to vote for Lay Delegates ; in case there be more than one Church in a Parish or Cure, the meeting for the election of Nominators for such Parish or Cure shall be held in or near the Church which on the Easter Day of the year preceding had the largest number of Communicants, such Nominators, together with the Committee of Patronage of the Diocese shall form a Board, of which Board the Nominator standing highest on the list shall be convener, and such meeting shall be held in the Parish or Cure where the vacancy occurs.”

Moved in amendment to the foregoing amendment, “That the following words be inserted in clause two of the Canon :—“Together with the Archdeacon for that part of the Diocese where the vacancy occurs, the Rural Dean of the District, with Churchwardens, if Communicants, and the Lay Delegates of the Parish.”—*Lost.*

It was then moved in amendment to the first amendment, “That within one month of the occurrence of a vacancy in any Parish, the representatives of such Parish, that is to say, the Churchwardens and Lay Representatives to the Synod, residing in the Parish, hold conference with the Bishop of the Diocese in order to fill up such vacancy by electing a Clergyman acceptable to the Parish and approved by the Bishop ; the Clergyman thus chosen shall be the Incumbent of such Parish ; but in case no election be thus effected, the names of the Clergymen nominated respectively by the Bishop and representatives of the Parish shall be brought before the people of such Parish in a meeting duly called, and the Clergyman having three-fourths of the votes of those entitled to vote for Lay Representatives, shall be the Incumbent of such Parish.”—*Lost.*

Moved again, in amendment to the original amendment, “That on the vacancy of any Rectory, Incumbency, or Mission within the Diocese (with the exception of Missions sustained in whole or in part by the Mission Board, the mode of appointment to which Mission shall continue as heretofore), the appointment to the vacancy shall rest with the lord Bishop of the Diocese : it being, however, provided that, before making such appointment, the Bishop shall consult with the Churchwardens of the vacant Parish or Mission, and with the Lay Delegates of the same (if such Lay Delegates are resident within

said Parish or Mission), for the purpose of receiving any objections which they may make against the proposed appointment." *Lost* by a non-concurrence of the two orders, viz.:

TOTAL CLERICAL—*Yea*s, 40; *Nay*s, 10.

TOTAL LAY—*Yea*s, 20; *Nay*s, 25; *Lost Votes*, 2.—60 *Yea*s, *Nay*s 35. It was then finally moved and carried:]

3. That the consideration of the question of Patronage be deferred to the next session of the Synod, and be the first order of the day after the election of Delegates to the Provincial Synod; and that the Patronage of the Rectories be in the meantime vested in the lord Bishop.—Session of 1870, page 71.

[NOTE.—In his address to the Synod in 1871, the Bishop thus referred to the question of Patronage. He said:—"We cannot overlook what was last year the subject of earnest discussion, and on which some decision may be expected at our present Session—I mean the question of Patronage—so that appointments to Rectories and other Incumbencies may be made in accordance with recognized Episcopal rights, and with a due consideration of the interests and wishes of the congregations concerned. I have endeavored, in all such appointments hitherto, to meet as far as possible the wishes or expectations of congregations; but the Synod will understand that, without a great sacrifice of other interests in the Church, this is not at all times possible. It is not simply the transferring to a *vacant* parish of a suitable (and acceptable person that is attended with difficulty; but innumerable complications present themselves in supplying the vacancies thus created elsewhere. I am by no means desirous of exercising this difficult duty on my single responsibility; and, while I contend against anything like direct and absolute popular election as most hurtful to the general interests of the Church, I am sensible of the need of giving a careful consideration of the special requirements of the parishes to be supplied, and of the men best suited to meet those requirements. In such consideration, I should desire to be aided; and if the counsels of the Archdeacon and Rural Dean to which the vacant parish pertains should not always be available, there are other experienced and judicious clergymen, familiar with the locality, whose aid could be obtained. I should desire that we should be joined in such consultation by two delegates chosen for this purpose by the parish to be supplied, and while such a course would have the benefit of enlisting the best practical aid in forming my own judgment, it would afford the required opportunity for the expression of the feelings and wishes of the parishioners to whom a clergymen is to be appointed."—(Session of 1871, page 27, 28.)

[**NOTE.**—The subject having been thus brought before the Synod, it was moved, “That on the vacancy of any Rectory, Incumbency, or Mission within the Diocese (with the exception of Missions sustained, in whole or in part, by the Mission Board, the mode of appointment to which Missions shall continue as heretofore) the appointment to the vacancy shall rest in the lord Bishop of the Diocese; it being, however, provided that, before making such appointment, the Bishop shall consult with Representatives of the vacant Parish or Mission elected from year to year for that purpose at the Easter Meeting, or in default of such election, with the Churchwardens and Lay-Delegates of the same (if such Lay-Delegates are resident within the said Parish or Mission.” Moved in amendment, “That all the words from “heretofore” in the 5th printed line above be expunged, and the following words be added:—“the nomination to the vacancy shall rest in the Congregation; it being, however, provided that before an appointment is made, the Representatives of the vacant Parish or Mission elected from year to year for that purpose at the Easter Meeting, or in default of such election, the Churchwardens and Lay-Delegates of the same (if such Lay-Delegates are resident within the said Parish or Mission) shall consult with the Bishop, for the purpose of his advising them, and stating any objections which he may have against the proposed appointment.” This amendment was lost on the following vote.

**CLERICAL.**—*Yea*s, 6; *Nay*s, 93. *Clerical Nay Majority*, 87.  
**LAY**.....*Yea*s, 59; *Nay*, 87. *Lay Nay Majority*, 28.

*Total Yea*s, 65; *Nay*s, 180. *Total Nay Majority*, 115

It was then moved in amendment to the original resolution, “That the following words be added to the Provost’s resolution: “And that no appointment be made contrary to the expressed wishes of a majority of the Delegates.”—*Lost*.

The original resolution was then put to the vote and carried. It was subsequently embodied in a By-law, as follows:—

4. That on the vacancy of any Rectory, Incumbency, or Mission within the Diocese (with the exception of Missions sustained, in whole or in part, by the Mission Board, the mode of appointment to which Missions shall continue as heretofore) the appointment to the vacancy shall rest in the lord Bishop of the Diocese: it being, however, provided that, before making such appointment, the Bishop shall consult with the Churchwardens and Lay-Representatives of the same, provided that such Lay-Delegates are resident within the said Parish or Mission. The vote taken was as follows:

**TOTAL CLERICAL.**—*Yea*s, 89; *Nay*s, 12; *Clerical Yea majority* 77.  
**TOTAL LAY**....*Yea*s 52; *Nay*s 36; *Lost Votes*, 6; *Lay majority* 16.

*Total Yea*s, 141; *Nay*s, 48;

*Majority of Yea*s, 93.

## CHAPTER XVI.

**Church Temporalities Act of 1841.**

[**NOTE.**—The subject of the Church Temporalities Act, passed in 1841, came up for consideration at the Synod of 1854, when the following resolution was passed :]

1. That a committee of the Synod be now formed to consider what alterations it is desirable to have made in the Church Temporalities Act, and to prepare a petition to the Legislature in accordance therewith, &c.—Session of 1854, pages 17, 27.

[**NOTE.**—The Committee not having acted (the matter having been accidentally overlooked), it was directed in 1856 :]

2. That the committee on the Temporalities Act be discharged.—Session of 1856, page 21.

[**NOTE.**—The question of Clerical Fees, under the Church Temporalities Act having been considered in 1858, it was resolved :]

3. That his lordship the Bishop be respectfully requested to issue a table of fees, as soon as he shall deem it expedient in accordance with the 14th section of the Church Temporalities Act.—Session of 1858, page 140. (See No. 7 below.)

[**NOTE.**—Nothing further was done on the subject of the Temporalities Act until 1864, when the following resolution was passed :]

4. That a committee be appointed to confer with similar committees from the Dioceses of Huron and Ontario, upon the Church Temporalities Act.—Session of 1864, page 28.

[**NOTE.**—This conference having been held, and a draft Bill having been submitted to the Synod in 1865, (Session Report, pages 25, 26) it was, after discussion, agreed :]

5. That the draft of an amended Church Temporalities Bill, presented by the Committee on that subject, appointed at the last Synod, be referred back to the same Committee, with a view to its being further perfected in its details, and to its being brought before the next Synod.—Session of 1865, page 51.

[NOTE.—The matter having been brought before the Provincial Synod, in the same year, the committee ceased its labors. The Provincial Synod adopted a memorial to the Legislature asking for power, (which was granted in 1866,) to repeal, change, and amend by by-law or canon, any portion of the "Church Temporalities Act," "subject to certain reservations therein made," (Journal of Proceedings for 1865, pages 15, 55, 56.) In 1868, the Provincial Synod took the matter up and appointed a committee to prepare a by-law on the subject, which was adopted. (Journal of Proceedings, Provincial Synod, pages 35, 58, 67, and 100.) The matter was again brought before the Toronto Synod in 1870, on a report (enclosed by the Provincial Secretary to the Synod Secretaries,) from the Hon. Sir John A. Macdonald, Minister of Justice for the Dominion, and the following resolution was passed:]

6. That the matter comprised in the following notice of motion, viz : "That whereas the Minister of Justice for the Dominion of Canada has given his legal opinion, dated November 5th, 1869, that the approval required under the statute passed by the Legislature of the Province of Canada (29 & 30 Vic., cap. 15), entitled "An Act to make further provision in relation to the temporalities of the United Church of England and Ireland," by the Governor in Council, must be given by the Provincial Governments of Ontario and Quebec; [be it resolved] that [the] Memorial [to] be presented to the Governments of Ontario and Quebec, respectfully praying them to sanction the Canon passed in the Provincial Synod of 1868, in accordance with the authority conferred upon it, so that it may become law," be committed as far as this Diocese is concerned, to the Committee charged with the care of the matter covered by the Rev. Canon Read's motion above cited, (*i. e.*, on the sale of Glebe Lands.—See Chapter XIII. page 91 of these Canons, etc. Session of 1870, pages 40, 41.

[NOTE.—The committee met and reported that a Memorial be presented to the Lieutenant Governor of Ontario in Council, praying for the approval required by the Act to the Canon referred to in the order in Council.—(Session of 1870, pages 72 and 201.) The subject was not again brought up in the Toronto Synod, but it was brought up in the Provincial Synod of 1871, and the Report of the Minister of Justice laid before it also. A committee was appointed to consider the matter, and they recommended "that application be made to the Local Legislatures," to embody in an Act "the provisions of the Canon, or so much thereof as may meet with the approval of the respective Diocesan Synods."—Journal of Proceedings for 1871, pages 21, 30 and 57. The question of a Table of Fees, authorized by the 14th section of the Church Temporalities

Act, was brought before the Toronto Synod in 1871, when the following resolution was passed :—

7. That the lord Bishop be requested to put forth a Table of Fees, in accordance with the provisions of the [14th section] of the Church Temporalities Act. Session of 1871, page 70.

[**NOTE.**—The 14th section of the Temporalities Act is as follows : “ The fees on marriages, baptisms, and other services of the Church of the like nature, and the charges payable on breaking the ground in the cemeteries or church-yards, and in the said churches for burying the dead, shall be regulated by the Ordinary, or in case there be no Ordinary, by the Bishop of the Diocese.”]

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## CHAPTER XVII.

### *Erection of Churches and Parsonages.*

[**NOTE.**—The Church Temporalities Act having been found defective in providing for the erection and repairs for parsonage houses, the following resolution was passed, 1858 :—]

1. That a committee be appointed on the subject of building parsonages, repairs and dilapidations of the same, and report thereon at the next meeting of the Synod.—Session at Toronto, of 1858, pages 55 and 70.

**NOTE.**—At a meeting held at Kingston in the same year, (1858) a report from the committee on parsonages was laid before the Synod, (see pages 124-130,) and its consideration postponed until the next year, (page 144.) In 1859 this report was taken up and referred to a new committee, (see page 82,) together with amendments by the Rev. D. E. Blake, A.B., to a proposed canon on the subject.—(See pages 102, 118-124.) In 1860 another report was presented to the Synod, incorporating several of Mr. Blake's suggestions.—(See pages 176, and 178.) In 1861 the adoption of this report was moved, but the report was “ recommitted,” (page 278). A series of canons founded on the report ~~was~~ proposed by the committee and submitted for the adoption of the Synod. The report was concurred in and the canons approved, but they were laid over for confirmation at the next meeting of Synod, (pages 290-294.) In 1862 the canons did not come up for confirmation, nor was the committee on the subject reappointed. In 1863, however, the following resolutions were passed :—]

2. That a committee be appointed to draw up recommendations for congregations about to erect churches or parsonages, and to embody such recommendations in a report to be submitted to the Synod.—Session of 1863, page 16.

REPORT TO SYNOD OF CHURCHES, &C., ERECTED, &C.

3. That in future an annual report, duly authenticated, be made to the Synod giving an account of churches, parsonages and endowments, in course of erection or formation, in the parishes or missions of the Diocese.—*Ibid*, page 17.

[**NOTE.**—In 1864 no report was presented to the Synod on the subject, but a motion was made to confirm the canons of 1861. The canons were, however, subsequently referred to the committee on the Securing of Church Property.—See pages 19, 22, 27, and 32. In 1865 a canon “for the better management of Church property was laid over till next session.”—See page 53. In 1866 this canon, which included the chief parts of that on “Parsonages,” was submitted to the Synod. Its consideration “was postponed until the next meeting of the Synod.”—See pages 51-56. In 1867, the canon was again submitted to the Synod, but its consideration was again “postponed till next Synod.”—See pages 42-46, and 64. In 1868, the canon was again submitted to the Synod and adopted.—See pages 49-52. This canon will be found in chapter XII., on the “Management and Control of Church Property.” In 1869 a resolution was introduced, but not passed, providing that the consent of the Bishop should be obtained to all new sites of churches.—Session of 1869 page 63. Nothing further was done in 1870 or 1871.]

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## CHAPTER XVIII.

### Division of Parochial Endowments and Endowments of Parishes.

[**NOTE.**—In 1857, Rev. Dr. Lett gave notice of a motion providing, among other things, “for dividing, or sub-dividing, where necessary, the endowments of existing parishes on their next avoidance, or with the consent of the present incumbents thereof.” This motion was afterwards “withdrawn, with the understanding that [it] should be brought up at the next Synod.”—Session of 1857, pages 19 and 25. In 1858, Hon. J. H. Cameron gave notice and afterwards moved the adoption of the following resolution, which was carried, *viz.* :]

1. That a committee of six members be appointed to consider whether any and what means can be devised for the better regulation, management, and division of endowments of Churches, and to report thereon at the next Synod.—Session of 1858, pages 54 and 59.

[Note.—In 1859, a report was presented to the Synod on the subject, (see Minutes of that year, pages 53 and 54,) and a committee was appointed for the following purpose:]

2. To examine carefully all orders in Council, Crown grants and deeds relating to churches, parishes and glebes. To ascertain the trusts upon which any church property is held, and whether those trusts have been fulfilled. To take such steps as they may consider necessary for enforcing compliance with such trusts. To report especially upon the case of any township, city, town or parish, in which there exists more than one church, but with an endowment appropriated only by or to one church. To suggest a basis of division, in cases in which they consider it advisable to apportion an endowment among several churches.—Session of 1859, pages 53, 54, 76, and 88.

[Note.—In the same year (1859), a resolution was introduced to provide for the limitation of incomes derived from endowments, or for the division of surplus incomes, (See minutes of that year, pages 83, 84). In 1860 this resolution was referred to the committee of endowments, (page 175.) In 1859 a committee was appointed, and a report brought in by it on the "Endowment of Parishes." The report was printed and directed to be "taken into consideration next Synod."—Pages 71-84, 79, and 99. In 1860, this report was again brought in with amendments, (pages 193, 194), but it was referred to the committee on the incorporation of the Synod.—(See minutes of 1860, pages 178, 193, and 194.) The committee on endowments was reappointed.—(See page 175.) In 1861, no report was made, but the following resolutions were passed:]

3. That a committee on Rectorial and other endowments be appointed "to report at the ensuing Synod."—Session of 1861, page 290.

[Note.—This resolution was referred to the Committee appointed, as follows:]

4. That a Committee be appointed "to enquire into the circumstances under which the endowment now enjoyed by the Cathedral Church of St. James was originally granted,

with a view, without any interference with the rights of the present rector, that the same should, in the event of a vacancy, be so adjusted, if it be found that such was the original intention, that the different churches in the city might participate in the said endowment, or that the same might be appropriated to founding a full cathedral staff.—Session of 1861, page 289.

[NOTE.—This Committee appears never to have reported, and nothing further seems to have been done on the subject. See however Chapter XIII., on the “Sale of Rectory Lands,” and the statute authorizing their sale in that chapter.]

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## CHAPTER XIX.

### Clergy Reserve Question and Commutation.\*

[NOTE.—Although the Clergy Reserve Question is happily set at rest, yet a brief record of it, so far as the subject is referred to in the Bishop's Charges, and in the proceedings of the Synod (up to the time of the Commutation Trust Fund), is necessary and appropriate in this collection. The first reference to the subject in these documents is in the Primary Charge of the Bishop, delivered in September, 1841. He says:—

“During the last year the perplexing question of the Clergy Reserves has been finally settled. Whether the best course was, or was not taken, in that settlement, it would be of little importance

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\* The Bishop, in his address to the Synod in 1854, thus summarizes the history of the setting apart of the Clergy Reserve Lands: He says:—“A message from the Crown to the Commons was sent to Parliament in 1791, stating the desire of His Majesty George III., to form a provision in the Province of Canada, for the support of a Protestant Clergy, and to make the provision perpetual out of the Crown Lands,—lands which, by right, by law and by constitution, belonged as much to the Crown as any property of an individual belongs to himself. This provision was called Clergy Reserves, and in order to give an additional guarantee to that of the King and Parliament, the Church accepted the Reserves in lieu of tithes, and consented to an Act passed in February, 1823, to that effect; a proceeding which embraces in its nature a regular purchase. \* \* \* In 1840, Lord Sydenham protested against bringing forward the union measure till the question of the Clergy Reserves was finally settled. And if ever there was a solemn compact in any nation with the Protestant Church, it was the compact of 1840, on the subject.” Session of 1854, pages 13, 14.

now to inquire. It was, beyond doubt, most desirable that an end should be put to the unhappy controversy which had arisen on the subject. \* \* \* \*

"The law thus passed by the Imperial Parliament in August, 1840, to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the proceeds thereof, assigns seven-twelfths to the Kirk of Scotland and other Christian denominations, and five-twelfths to the United Church of England and Ireland. \* \* \*

"Your assent [to the Act] will be the more readily given when, on learning that the scheme of settlement was in a great degree suggested by that most excellent and highly gifted prelate, [Dr. Howley,] the Archbishop of Canterbury. \* \* \* The Act may be viewed as in substance a measure declaratory of the Statute of 1791, embodying such concessions for the sake of peace, as those entitled to claim, under that statute, were willing to make." Primary Charge of 1841, pages 7, 8.

In the Bishop's Charge, at his Triennial Visitation of 1844, no reference is made to the subject. In the Charge of 1847, the Bishop speaks as follows:—

"It is with much satisfaction that I inform you that the Clergy Reserve Fund yielded, for the first time, a small surplus in 1845, and a like excess in 1846." Charge of 1847, page 18.

[Note—The settlement of the Clergy Reserve Question, by the Imperial Parliament in 1840, was re-opened in 1850. So important did the Bishop regard the crisis, as affecting the interests of the Church of England, in his diocese, that he issued a pastoral letter on the 2nd of April, 1851, summoning the Clergy and representative laymen from each parish to meet him at a Visitation, or first Synod, to be held in Toronto on the 1st of May, to express their opinion on the posture of the secular affairs of the Church, "when an attempt is again making by her enemies to despoil her of the small remainder of her property, which has been set apart and devoted to sacred purposes during sixty years." Thus, to the renewal of the agitation on this question, is due the assembling of the FIRST SYNOD OF THE DIOCESE OF TORONTO in 1851. At that Synod the Bishop thus referred to re-opening of the settlement of the Clergy Reserve Question:—

"The recent publication of two dispatches on the Clergy Reserves, renders it necessary for me to direct your attention to their avowed object, and the influence they are intended to exercise on the temporal affairs of the Church in Canada.

"Since this property first attracted the notice of the Colonial Legislature in 1817, the members of the Church, including both Clergy and Laity, have been content to act entirely on the defensive, and with calm and peaceful forbearance.

"At that early day, in order to prevent agitation in the colony, an offer was made to refer the claim of the Church of Scotland, then our

only competitor, to the highest authorities in England, on condition that both Churches acquiesced in the decision, whatever it might be. This proposition, from various difficulties in carrying it out, ultimately fell to the ground, and from time to time the disposition of the Church property became a subject of controversy in the Provincial Legislature; and this, because the Imperial Government, from neglect, or enmity to the Church, refused to give that protection to her Endowments, which it [had by treaty] readily accorded to those of the Roman Catholic Church in Lower Canada.

“ Yet so long as this Diocese remained a distinct colony, no measure detrimental to the claims of the Church ever took effect. Even under the management and prevailing influence of \* \* \* the late Lord Sydenham, a bill disposing of the Clergy Reserves was carried by one vote only, a result which sufficiently proved that it was not the general wish of the people of the colony to legislate on the subject. Small however, as this encouragement was, it enabled his lordship, then Governor-General, to force the subject on the notice of the Imperial Parliament, having adroitly stated that the final settlement of the Clergy Reserves was essential to complete the union of the two Canadas. Accordingly, a bill for this purpose was introduced into Parliament in 1840 by Lord John Russell, Her Majesty’s Secretary of State for the Colonies, and after protracted negotiations and mutual concessions, in the spirit of conciliation, between the Archbishop of Canterbury and the Bishop, then in London, acting with his Grace on the side of the Church, and Lord John Russell for the Queen’s Government on the other, a compromise was at length agreed upon, and the result was the 3rd and 4th Victoria, chap. 78, which provides, as the preamble expressly declares, for the final disposition of the lands called the Clergy Reserves. The Church of Scotland was also consulted on this occasion, and approved of the provisions of the bill before it became a law.

“ A reference to the debate and proceedings on the measure in the Mirror of Parliament, will prove to every reasonable and honest mind, that the object of all parties concerned was to settle the whole question now and forever. The great anxiety to put an end to the possibility of again agitating the colony on this subject is further manifest, from the care taken by the Imperial Legislature to meet by its enactments the requirements of the different interpretations given to the words Protestant Clergy, in the 31st Geo. 3rd, chap. 31. For twenty-eight years they were held to mean the Clergy of the Church of England only. In 1819, the Law Offices of the Crown gave it as their opinion that they embraced also the Ministers of the Church of Scotland, not as entitling them to endowment in land, but as enabling them to participate in the proceeds of the Reserves, whether sold or leased.

“ In 1828, a select Committee of the House of Commons, extended the construction of the words Protestant Clergy to the teachers of all Protestant denominations; and this interpretation, though considered

very extraordinary at the time, was confirmed by the Twelve Judges in 1840. Hence the 3rd and 4th Victoria, chap. 78, recognizes them all, and makes this recognition the basis of the settlement; nor does it exclude the Roman Catholics, although they are not distinctly named.

"The proceedings under the provisions of this Act, since it became law in August, 1840, are simply this:—The two National Churches of England and Scotland in the Province have their share of the Reserves annually, as allowed them by the State. The Wesleyan Methodists and Roman Catholics receive such a portion as the Governor-General in Council judges right and reasonable. The Free Church of Scotland has not, so far as I know, yet spoken; but taking the principle of that large and respectable denomination of Dr. Chalmers, there is nothing to prevent her from doing so. The other denominations, it is said, refuse to receive any relief from the Clergy Reserve Fund; and some of them allege that they do so from conscientious principles. \* \* \*

"Moreover, since its enactment in 1840, there has been, till the last session of the Provincial Parliament, no agitation or complaint against it in the colony. \* \* \* We were the less prepared for this extraordinary movement on the part of the Provincial Government, because on the 29th of April, 1846, a select Committee of the Legislative Assembly \* \* \* made a Report, on the Petition of the Church of England, praying for the management of her share of the Reserves, which report was received and accepted by the Assembly; and although it refuses the prayer of the petition, establishes the following points:—

"1. That the question of the Clergy Reserves was considered by the Imperial Parliament, finally settled by the 3rd and 4th Victoria, chap. 78.

"2. That it was accepted as a final settlement by the inhabitants of the Province of Canada.

"3. A strong recommendation is added, that no change or deviation from this settlement be sanctioned by the Legislature."

The Bishop proceeds to discuss the question further, and devotes thirteen additional pages of his Charge to it, and to a discussion of the "Voluntary System." However, as the result of the conference with the Clergy and Laity in 1851, the following resolutions, in response to the questions proposed by the Bishop, were passed by the Synod:

1 That the Bishop, Clergy and Laity of the Diocese of Toronto, in conference assembled, by request of the lord Bishop, at his triennial visitation, holden 1st and 2nd May, 1851, do solemnly protest against the alienation to any secular purpose whatever, of the lands, called Clergy Reserves, originally set

apart by Act of George III, cap 31, and finally sanctioned by 3rd and 4th Victoria, cap. 78, for the maintenance of religion, and religious knowledge in the Province ; as being opposed to the constitution of the Church of God in every age—at variance with the principles acted upon by all Christian nations—subversive of the recognized rights of British subjects—and in violation of the fidelity and integrity of parliamentary enactments, and the decisions of law.

2. That no class or conditions of persons in this Province can be endangered in estate or conscience by the maintenance of this religious property to its original purpose.

3. That the maintenance of this property for its original purpose is necessary ; because it has been found from experience that religion cannot be generally diffused or permanently supported, in any country upon the purely voluntary principle : its maintenance upon this system is inadequate, even in towns and villages of considerable size ; while it is discovered to be wholly impracticable in rural districts,—a large proportion of the inhabitants of which are comparatively poor.

4. That in countries where the support of religion is entirely dependent upon voluntary contributions, it does not maintain its proper influence, but is uniformly found, amongst the mass of the people, to degenerate and decline ; and that religious division and animosity increase—erroneous tenets gain strength and prevalence—and infidelity itself spreads to an unwonted extent.

5. That this meeting regards the maintenance of the Clergy Reserves to religious uses, according to the intentions of a pious Sovereign, expressed in various Acts of Parliament of the United Kingdom, to be one of the best boons and blessings which can be secured to this Colony, as tending to insure, with the Divine favour, the propagation of true religion within its bounds, to the end of time.

6. That a petition embodying the views now expressed as the solemn opinion of the Clergy and Laity of the Diocese of Toronto, in conference assembled, be presented to the Provincial Parliament during the approaching Session, and also be transmitted to the Queen and other branches of the Imperial Legislature.—Session of 1851, pages 10, 11.

[NOTE.—The Synod was not called together in 1852. In his Charge, delivered to the Synod in 1853, the Bishop refers to the

proceedings in the Imperial Parliament of the 3rd December, 1852, when Sir Wm. Molesworth asked Sir John Packington, "whether it was the intention of the Ministers to bring in a Bill to enable the Canadian Legislature to dispose of the proceeds of the Clergy Reserves," subject to certain conditions. Sir John replied—after giving many reasons—that, "it was *not* the intention of H. M. Government to introduce any Bill to enable the Canadian Legislature to dispose of the proceeds of the Clergy Reserves in the manner referred to." "Unhappily," the Bishop says, "Lord Derby's government was soon after overborne." \* \* \* And no sooner was the new ministry installed, than it began the work of sacrilege. The despatch of the Duke of Newcastle to the Earl of Elgin, dated the 15th of January, \* \* \* announces a total change of policy in dealing with the church property in Canada. \* \* \* It took the Province completely by surprise, \* \* \* that a Bill for placing the Reserves at the disposal of the Canadian Legislature, had been brought into the House of Commons, and had passed to a second reading. You are aware that the Bill thus introduced has become law; \* \* \* the field of debate, and, I fear, of contention, in spite of Lord Sydenham's solemn protest, \* \* \* has been transferred to this country; and it becomes us to consider what steps ought now to be taken in defence of our dearest birthright. \* \* \* The last Session of the Imperial Parliament has been, indeed, peculiarly disastrous to the Church in this Diocese. The passing of the Clergy Reserve Act places her support in immediate jeopardy, and the only measure of relief—namely, the power of synodical action—has been without necessity delayed." (Charge of 1853, pages 43, 44, 45 and 51.) In response to the address of the Bishop, a committee was appointed to take into consideration, among other things, the position of the Clergy Reserve Question. The committee reported the following resolution, which was unanimously adopted :—

7. That a petition be presented to the three branches of the Canadian Legislature, and to Her Majesty, on behalf of the Synod, praying that they will withhold their sanction from any measure which may be introduced for the spoliation of the property of the united Church of England and Ireland in this Diocese, and representing the gross injustice of permitting such spoliation, as well because of the solemn and declared final settlement of the Clergy Reserve question of 1840, as because it is proposed to apply the principle of no state endowment of religion to Protestants alone, while the state endowments of Roman Catholics are to be respected.—Session of 1853, pages 9 and 13.

[NOTE.—In his address before the Synod in 1854, the Bishop entered at length into the history of the Clergy Reserves, and submitted

the following question to the Synod; "What course is it expedient for the Synod to take in this crisis of the Church property?" The following resolutions on the subject were passed ;]

8. That the lord Bishop, as Chairman of the Synod, be respectfully requested to nominate or appoint the Committee to take into consideration the subject of the Clergy Reserves, \*

\* \* as suggested in his lordship's opening address.—Session of 1854, page 17.

[NOTE.—This Committee brought in an elaborate Report on the subject and subjoined to it a Protest to the Legislature, which was adopted as follows ;]

9. The lord Bishop, Clergy and Lay Delegates of the united Church of England and Ireland, in the Province of Canada West, in Synod duly assembled, at Toronto, on Thursday, the 26th day of October, A.D. 1854, hereby solemnly protest against the enactment of a certain measure now before the Legislative Assembly of this Province, having for its avowed object to dispossess the said Church and other religious bodies, in this Province, of all the right and title to the benefit and proceeds arising out of the lands formerly set apart by the Crown for the support of a Protestant Clergy, and which benefit and proceeds were still further guaranteed by the Imperial Act of 1840.—Session of 1855, pages 22-27.

[NOTE.—This Protest was supported on nine distinct grounds, appended to the report. The Bill, however, protested against, was passed ; and in 1855, the Bishop addressed a circular to his Clergy on the subject, dated 9th of October, 1854. He also addressed a private pastoral letter to his Clergy on the 20th of January, 1855, in which he urged them, on five different grounds, to commute their claims to the Clergy Reserve Fund, so as to enable the Church Society to capitalize the proceeds, giving them a guarantee that their individual claims to a stipend would be secured to them, by the Church, during their natural lives.—Pastoral Letter of 1855, pages 9 and 10. The Synod did not meet in 1855, but, in 1856, the Bishop, in his address, referred incidentally to the subject of the "secularization and confiscation of the Clergy Reserves," and stated that, "the crusade against the temporalities [57 Rectories] of our Church still continues with increased virulence."—Address of 1856, page 11. The Commutation scheme having been at length fully carried out, the following resolution was passed :—]

10. That the Lay Delegates embrace this opportunity unanimously of informing the Clergy with what admiration

and gratitude they have witnessed their unbounded liberality and devotion to the cause of religion by surrendering to the Church the commutation money lately received by them from the Government, and to assure them that they, on their part, will endeavor to spread abroad among the people the desire of imitating so bright an example. Session of 1856, page 35

[**NOTE.**—During the same Session a highly complimentary address was presented to the Hon. John Hillyard Cameron for his unwearied efforts to bring the commutation scheme to a successful issue. Pages 39, 40. In his address before the Synod, in 1857, the Bishop, in referring to the proceedings of the Synod in 1851, 1853, 1854, and 1856, said: "In the meantime the commutation was arranged and completed, to which the Clergy to their lasting honor had given their free and intelligent consent. By this noble and disinterested act they have merited the gratitude of the Church in Canada, and won for themselves the cordial admiration of all true churchmen throughout the world." Session of 1857, pages 5, 6. Thus was formed the "Clergy Trust Commutation Fund," to which the following Chapter relates.]

## CHAPTER XX.

### Clergy Commutation Trust Fund.

**NOTE.**—This fund had its origin in the commutation by the clergy of their Clergy Reserve stipends in 1855-1857; a brief detail of which will be found in the Proceedings of the Synod for 1860, page 187. A sketch of the history of the Clergy Reserve Fund question, (down to the period of the secularization of the fund,) will be, found in the Bishop's address before the Synod in 1854.—(Pages 11-17 of the Proceedings.) An account of the commutation of their stipends by the clergy was given by the Bishop in his address before the Synod in 1856.—(Pages 3, 5 of Proceedings.) The following resolution on the subject will be found on page 35 of the Report of 1856.]

1. That the lay-delegates embrace this opportunity unanimously, of informing the clergy with what admiration and gratitude they have witnessed their unbounded liberality and devotion to the cause of religion, by surrendering to the Church the commutation money lately received by them from the government, and to assure them that they on their parts will endeavor to spread abroad among the people the desire of imitating so bright an example of self-denial and zeal.—Session of 1856, page 35.]

[**NOTE.**—The Bishop further referred to the commutation act of the clergy in his address before the Synod in 1857, (pages 4, 5, and 6, of Proceedings.) No further action was taken in regard to the Fund during that session, and <sup>no</sup> reference to the subject appears in the Minutes of the Synod for 1858 or 1859. In 1860, however, a report to the Church Society on the subject was laid before the Synod, (see pages 186, 188) and by a joint resolution of the Church Society and of the Synod, the surplus of the Commutation Trust Fund was transferred to the Diocesan Board of Missions appointed that year.—(See page 203 of Synod Proceedings.) In 1861, a report from the Clergy Trust Committee to the Church Society was laid before the Synod, (pages 275, 276, see also page 304.) A similar report was also laid before the Synod in 1862, (pages 35, 36,) and in 1863, (pages 15, and 22, 24.) No report, however, on the subject appears from the minutes to have been laid before the Synod in 1863; but one was laid before the Church Society, and it will be found in the *Church Chronicle* for June, 1864, pages 39, 40. A series of by-laws, which had been adopted by the Church Society in May, (see *Church Chronicle* for June, 1864, pages 40, 41,) was brought up for confirmation by the Synod at the session of 1864, and received its sanction, that year. During the discussion on the subject, the following resolution was proposed: “That the by-law appropriating the surplus of the commutation fund be so far amended as to provide that a first four hundred dollars (\$400) accruing shall be applied to the support of missions, and the second four hundred dollars (\$400) to the senior clergyman entitled to it, and so on alternately, until the surplus amounts to twelve hundred dollars, (\$1200,) when the Mission Board shall have eight hundred dollars (\$800) in perpetuity.” This resolution was lost, on a vote of 21 yeas to 58 nays, and the by-laws were adopted, as follows:—]

1. That so much of the by-law of the Mission Board of 1860, as enacted that the Mission Fund do consist of the annual surplus of the Commutation Fund, be repealed, and that the Commutation Fund shall be managed and administered as heretofore by the Clergy Trust Committee.—Session of 1864, pages 20 and 29. (See Chapter XXIII., Section 3, of this compilation.)

#### HOW SURPLUS SHALL BE APPLIED.

2. That before there shall be any surplus declared by the Clergy Trust Committee, there shall be always held by said Trust Committee the sum of one thousand dollars (\$1,000), arising out of annual permanent income, over and above the amount required to fulfil the covenants into which the Society has already entered, and the expenses chargeable upon the fund.—*Ibid.*

3. That said surplus shall be appropriated to the maintenance of the Clergy of the Diocese being in priests orders, according to length of service in the Diocese.—*Ibid.*

#### WHAT CONSTITUTES SERVICE.

4. That such service shall consist of the time during which the clergyman has been employed in *bona fide* parochial or missionary duty in the Diocese, and that in case there has been any intermission in the time of such service, the length of such intermission shall be deducted from the term of service ~~for~~ which the clergyman claims —*Ibid.*

#### WHO SHALL BE SENIOR CLAIMANT.

5. That when two or more persons are ordained in the Diocese, and their services commence at the same time, he shall be considered senior who is first upon the Bishop's ordination list. But when they have been ordained out of the Diocese their seniority shall be determined by the date of their licenses from the Bishop of the Diocese, being in priest's orders. And if there shall be any question of seniority not provided for in this by-law, it shall be decided by the Bishop of the Diocese.—*Ibid.*

#### WHEN SURPLUS SHALL BE AVAILABLE.

6. That as soon as the Trust Committee shall report a surplus of \$400, as above provided, it shall be paid to the senior clergyman of the Diocese (as above defined) not being on the commutation list, and so on in respect of each successive sum of \$400 of surplus income. And it is hereby distinctly specified that this provision shall not interfere with any existing arrangement. No clergyman shall receive from this fund more than \$400 per annum.—*Ibid.*

#### CLERGYMEN ON LIST TO REMAIN THERE.

7. That any clergyman once placed on the list shall remain thereon so long as he continues to do duty in the Diocese, or is on the superannuated list thereof, but shall forfeit his claim by removing from it, not being superannuated, or for any time he may be under legal ecclesiastical censure.—*Ibid.*

#### HOLDERS OF ENDOWED LIVINGS.

8. No clergyman accepting after this date an endowed living yielding \$400 per annum, or holding the incumbency of a church yielding, from pew rents or otherwise, \$800 per

annum, shall be placed upon the list of annuitants as aforesaid; and any annuitant accepting such living shall resign his income from the Commutation Fund, and by such acceptance shall be regarded as having forfeited his present claim upon such fund. Nevertheless it shall be lawful for him, upon resigning such living or incumbency, to be again placed on the list of annuitants as soon as a vacancy shall arise. And nothing in this by-law shall be construed so as to prevent an exchange being made between the incumbent of such endowed living and an annuitant of this fund, provided such change has the sanction of the Bishop.—*Ibid.*

## LIST OF NON-COMMUTING CLERGY.

9. That as soon as a surplus arises in the Commutation Fund, it shall be the duty of the Commutation Trust Committee to request the lord Bishop to furnish said committee with a list of those clergymen who are entitled to claim under this by-law.—*Ibid.*

[**NOTE.**—In 1865, the Clergy Trust Committee laid upon the table of the Synod the report made by them to the Church Society, before the close of the Society's financial year,—being the report made by the committee on the resolution for an investigation into the property of the trust.—(Session of 1865, page 36.) The matter did not come before the Synod in 1866 or 1867. In 1868 the “usual report” was laid before the Synod, (page 61 of proceedings), but no action was taken on it. In 1869, the following resolution was introduced, but, after some discussion, was withdrawn:—That clause eight of the by-law of the Church Society, confirmed by the Synod in 1864 [see above], respecting the appropriation of the surplus of the Commutation Fund be amended by substituting after the words “an endowed living yielding” the words “eight hundred dollars,” for the words “four hundred dollars;” and after the words “from pew rents or otherwise,” the words “sixteen hundred dollars” for the words “eight hundred dollars.”—Session of 1869, page 68. In the same year, the Church Society, having been merged in the Synod, a new and provisional constitution of the Synod was adopted, providing for the appointment of a Clergy Trust Commutation Fund Committee.—Session of 1869, pages 46 and 86. Subsequently the following resolution was adopted.]

10. That the subject of the dispute between the Dioceses of Ontario and Toronto, respecting certain securities handed over to the former Diocese on the division of the Clergy Trust Commutation Fund, be referred to the Committee of the Synod on the said Fund, with the view to the speedy

termination of the suit now pending, by arbitration, or such other equitable mode, as the said Committee shall determine.—Session of 1869, page 72.

11. That the report of the auditors on the securities held by the Commutation Trust Fund Committee, laid before the Synod, be referred to the said Committee.—*Ibid*, page 75.

[**NOTE.**—In the revised constitution of the Synod, adopted in 1870, it is provided in Section 25, that the Standing Clergy Commutation Trust Committee of the Synod shall be constituted as follows :]—

#### CONSTITUTION OF CLERGY COMMUTATION TRUST COMMITTEE.

12. The Clergy Commutation Trust Committee of the Synod for the management of the Clergy Commutation Trust Fund of the Diocese, shall consist of sixteen members, one half of whom shall be Clergymen of the Diocese who are on the Commutation Fund, and the other half shall be nominated from among the Lay Representatives. The said Committee shall manage all real estate or personal securities held by the “Clergy Commutation Trust Committee” of the late Church Society of the Diocese, and all the proceeds accruing from the same, and shall administer the same as a distinct fund, separate and distinct from all the other funds of the Diocese, and shall invest and take up and re-invest in Government Securities, City, County, Township Municipal Debentures, all moneys coming into their hands for re-investment, and all surplus interest and dividends. They shall report to the Synod at its annual meeting a full and detailed statement of all investments and changes in investments, and of all moneys received and paid on account of the fund during the previous year. They shall further report the actual state and condition of the fund, at the time of their last quarterly meeting, showing the nature of the different securities belonging to the fund, and the incomes which they severally yield, and what arrears of interest may be due on any of the said securities, and the particular securities on which such interest may be over-due. The proceeds of the said Fund shall be administered in accordance with the provisions of the By-laws of the late Church Society of the Diocese of Toronto relating to the same, as they existed at the time of the Incorporation of the said Church Society with the Synod, or in accordance with any By-laws adopted subsequently by the Synod. In case the surplus should at any time become insufficient to pay the amount of \$400 to each non-commuting Clergyman placed on the list of

annuitants on the said fund, in accordance with the By-law of the late Church Society, then a proportionate reduction shall be made from the annuities payable to all such non-commuting Clergymen.

[Note.—The report of the Clergy Commutation Trust Fund Committee was laid before the Synod in 1870. On a motion for its adoption being made, an amendment was moved "that the report of the sub-committee of the Clergy Commutation Trust Committee be laid before the Synod and read." The amendment was lost and the original motion carried. The thanks of the Synod were also unanimously voted to S. H. Blake, Esq., for his admirable explanation of the report of the Committee.—Session of 1870, pages 31, 43 and 44. The report of the Committee, laid before the Synod in 1871, was adopted without discussion.—Session of 1871, pages 33, 42 and 78.]

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## CHAPTER XXI.

### Clerical Sustentation Fund.

[Note.—Independently of the discussion and resolutions on the Clergy Reserve question, which occurred during the earliest meetings of the Synod, and which ended in the settlement of that question and the commutation of their stipends by the clergy, (See *Clergy Trust Commutation Fund*,) the question of the sustentation of the clergy also occupied the early attention of the Bishop and of the Synod. In his primary charge (in 1841) the Bishop declared that "in addition to temporary contributions, a permanent provision for a Church Establishment must now be thought of." In 1844 and 1847 the Bishop referred to the subject in his charges, and, in 1851, he discussed the "voluntary system" at length. In 1853 the Bishop repeated his former suggestions, "that if each of the 50,000 Church of England families in Upper Canada would contribute but \$3 a year, we should raise nearly double what the Church of the Diocese at the present moment receives from the Clergy Reserves, and the Society for the propagation of the Gospel." He recommended the establishment of a "clergy sustentation fund" on that principle. In the same year (1853) the following resolutions on the subject were passed:]

1. That this Synod is unanimously of opinion that, as in the Jewish Church, they who ministered about Holy things lived of the sacrifice, and they who waited at the altar were partakers with the altar; even so in the Christian Church, it is by our Lord ordained that "they who preach the gospel should live of the gospel."—Session of 1853, page 17.

2. That in the opinion of this Synod, one of the most serious practical difficulties connected with the Church in this diocese is the want of an assured respectable income for its ministers in general. That in consequence of the existence of this evil, the people are perishing for lack of knowledge; there are comparatively few ambassadors of Christ to send to them; the present clergy are, many of them, seriously crippled in their means; the hearts of the young are discouraged from entering the ministry, while the wealthier classes of the community, actuated by a like fear, rather hold back than encourage their sons to take orders.—*Ibid.*

3. That it is the duty of every member of the Church in this Diocese, lay as well as clerical, to use the most strenuous efforts for the removal of the aforesaid evil; and that it is in an especial manner incumbent on the members of this Conference respectfully to tender to the proper authorities, upon the present occasion, the advice which their experience and local knowledge enables them to give, respecting the most beneficial mode of appropriating the funds accruing from permanent sources, and which were set apart by the 3rd and 4th Vic., ch. 78, for the support and maintenance of Public Worship and the propagation of religious knowledge, according to the principles of the Church of England in this Diocese; as also to consider of and recommend such measures as may seem best calculated to secure, by means of voluntary contribution, the efficient and continuous aid which the exigencies of the Church imperatively demand.—*Ibid.*

[NOTE.—In 1853 a General Purposes Committee was appointed to which was referred a resolution on “the christian tenth,” in which “the injurious effects resulting to pastors and people” from a system of supporting the former “on the mere inclination of the contributors,” were referred to, “and recommending the clergy to preach a sermon annually on the duty of continuously setting apart a tenth, or increase,” for the “maintenance of God’s Ministers.” In his address to the Synod, in 1854, (page 9,) the Bishop, having suggested as one of the topics for consideration, the propriety of taking some steps “for commencing and establishing a Church Sustentation Fund,” the following resolution was passed:]

4. That the lord Bishop be requested to name a committee for considering what methods should be adopted for the permanent sustentation of the clergy, in accordance with the recommendations of his lordship, in his opening address to the Synod; and that this committee have power to add to their numbers, and be authorized to employ a secretary, and

take such other measures as may appear to them expedient for obtaining the fullest information.—Session of 1854, p. 17.

[*NOTE.*—At the following session, in 1856, a motion was moved and seconded (but it does not appear to have been carried), which was to the following effect: “That this Synod, fully alive to the necessity of establishing a sustentation fund, as recommended in the opening address of the lord Bishop, beg leave most respectfully to request that his lordship would be pleased to take such steps, and at such time as he may deem most expedient, for carrying out this most important object.” (page 37). [*Mem.*—No reference to a “sustentation fund” appears in the printed copy of the Bishop’s “opening address” to the Synod on the 1st May, nor in his “charge” of the 30th April, but he refers at length to the Episcopal endowment fund “for the proposed new Dioceses east and west,” and urges its collection. It is possible that the resolution refers to this fund, as in the proceedings of the Synod of 1847, it is spoken of (page 23) as a fund for the “sustentation of the Bishop.” In 1857, the Bishop again brought the matter before the Synod (page 9) in the following words: “In leaving the Episcopal, I pass to the Sustentation Fund, because they have something of an untoward connection. Hoping much from the Sustentation Fund in aid of our commutation, I was eager to begin operations last autumn, but was overruled by many of the best friends of the Church, and persuaded that we could not succeed till the Episcopal Endowment moneys were completed. I confess that I yielded with some repugnance,” etc. During the Session a motion was brought forward by Rev. Dr. Townley (similar to the one he had brought forward in 1853) on the “christian tenth,” and recommending that a committee of six be “appointed to take into consideration the wisdom, necessity and obligation of resuming the scriptural and primitive practice of paying ministerial tithes,” etc. The motion was lost, (pages 23 and 24). Nothing further was done on the subject during the year 1857, but at the Toronto session of the Synod in 1858, a committee on Clerical Sustentation was appointed, (page 16); and during the same session this committee brought in a report on the “Maintenance of the Clergy,” (pages 62-65) which was dealt with by the Synod, as follows:]

5. That the report from the Sustentation Committee just read, together with the report of the Church Society upon the same subject, be printed and furnished to each member of the Synod, and that both reports be referred to a select committee to take the same into consideration, and report thereon to the Executive, in order that their opinion and recommendation may be printed before the next meeting of the Synod.—Session of 1858, page 65.

[*NOTE.*—This select committee was appointed and two other notices of motion on the same subject were referred to it. (Pages 68, 70) At

the Kingston Meeting of the Synod in 1858, the Bishop again brought the matter before the Synod, (pages 114, 115,) and the select committee presented a report, (pages 120, 122,) which, with a slight amendment, was adopted.—(Page 144.) An annual permanent committee was also appointed to form a Central Board to apportion all moneys raised throughout the Diocese as a sustentation fund—(Page 121.) In 1858 a committee was also appointed on the “Endowment of Parishes.” In 1859 this committee brought in an elaborate report, which was ordered to be printed, and “taken into consideration next session,” (pages 71–99.) In the same session the subject of a sustentation fund was again brought before the Synod in the Bishop’s address, (pages 16, 17 of Proceedings.) At the same session the Central Board submitted its first report of payments made by it, (pages 87, 88,) but there is no record of it having been concurred in by the Synod. In 1860 the Central Board was re-appointed.—(page 141.) A report from the Board was also laid before the Synod, and ordered to be “entered on the minutes” during the same Session, (page 171.) The committee on the “Endowment of Parishes” also brought in a report, which was referred to the “Incorporation Committee,” (named below, pages 193–194.) Subsequently the “Committee appointed to revise the Constitution and By-laws of the Church Society” brought in a report, recommending, among other things, that the Central Board be merged in a proposed Diocesan Board of Missions.—(pages 181–184, 201–204.) The proposition was not entertained, but the following resolution was passed:]

6. That the resolution on the subject of [establishing a Diocesan] Board of Missions be referred to the Committee to whom was referred the resolution on the Incorporation of the Synod; and that the Church Society be requested to appoint a committee to co-operate with the committee of Synod, and that the resolutions of such joint committee, on being approved of by the Church Society, shall be considered as the resolutions of this Synod, and be acted on accordingly, until reported to the next meeting of this Synod.—Session of 1860, page 184. See also chapter on the “Diocesan Board of Missions.”

[NOTE.—In 1861 “the report on the incorporation of the Synod was laid over in consequence of the absence of the Ven. Archdeacon of York,” (Session of 1861, pages 273.) The committee was not re-appointed. In 1862 alterations in the by-laws of the Mission Board, as suggested, were submitted to the Synod of 1861 (pages 30, 31.) See chapter on “Diocesan Board of Missions.”]

[NOTE.—In his address to the Synod in 1865, the Bishop referred to the hardships of the clergy, and to their small salary, and earnestly urged that “the people served with religious ministrations, of such

paramount value to their souls' good, should remember the solemn stipulation into which they have entered—the specific engagement they have made to afford a certain support to their clergymen." (Page 16.) No action was taken by the Synod this session. In 1866 the Bishop, in his address to the Synod, again referred to the support of the clergy, and pressed the matter on the attention of those concerned, (page 16, 17). No action was taken, however, by the Synod on the subject. In 1867 the Bishop again mentioned the subject in his annual address, and urged that if we did our duty in this matter "there would be encouragement to our pious and talented youth to engage in the duties of the ministry." (Page 21.) No action was taken by the Synod, however, on the subject this session, nor did the matter come before the Synod in 1868. In his address to the Synod in 1869, the Bishop thus refers to the importance of the sustentation fund: "We have all but a boundless field to till; and it rests mainly "with the laity of the Church to provide the necessary labourers. "More of these would offer themselves if more encouragement were "given, ; and the tone and qualifications of our ministerial "labourers would always be maintained to the requisite standard, if "such provision were assured to them as would uphold their honest "independence of action, and place them above the influence of "prejudice or caprice. We ought, then, unitedly to take a high and "enlarged view of this duty; and, one and all, apply ourselves to the "effort to raise a Sustentation Fund, from which might be derived a "revenue that would materially assist all our weak and unendowed "parishes. I have for many years contemplated the advisability of "such a step; and if the many calls and claims upon the members of "the Church should have appeared an excuse for delaying action on "so important a work, I do not think we should be true to our "responsibilities in much longer delaying it. I should be glad to "have the approving voice of the Synod as regards an effort so essen- "tial to the interests of the Church; and I should, upon such indica- "tion of their desire of co-operation, have much satisfaction in naming "a committee with whom to confer in maturing some scheme for "carrying this purpose into practical effect." (Pages 24-25.) No action was, however, taken by the Synod on the subject this session. In 1870 the Bishop again referred to this matter, and urged that the salaries of clergymen be raised fifty per cent. (page 19, 21.) The general question of sustentation did not come up before the Synod this session; but on motion of the Ven. Archdeacon Fuller, the following resolution was passed :]

7. That it be a recommendation from this Synod to its Mission Board that the salaries of its missionaries paid in whole or in part by the Board, be, for those in Priest's orders \$890 per annum, and for those in Deacon's orders \$600 per annum; and that this Synod pledges the Diocese to support this scheme.—Session of 1870, page 39.

[**NOTE.**—In 1871, the Bishop, in his address, thus referred to the subject: "It is very gratifying to be able to state that, in many places, laudable efforts have been made to increase the stipends of the clergy, and to mark the appreciation of their services by special gifts. This, we trust, is but the commencement of a general movement in that direction; the first fruits, we shall believe, of the cordial approbation (expressed by the Synod last year) of the proposal that in every instance the stipend of a missionary in full orders should not be less than \$800 per annum." (Page 25.) During the same session Rev. Mr. Carry brought up the following motion, (which, after consideration, were deferred until the next session of the Synod *viz.*) "That this Synod having already, in its last session, acknowledged the insufficiency of the salaries received by many of the clergy, does now further resolve, in consideration of the special claims of lengthened service, that the salaries of all such Priests as have laboured continuously for fifteen years in this Diocese (no matter from what source or sources their incomes are derived) be in future supplemented as soon as may be, until they reach the sum of \$1,000 per annum. And in order to give effect to the foregoing Resolution: *Resolved*—That a *Sustentation Fund* shall be established, from the interest of whose invested capital shall be made annually the disbursements necessary to the supplementing aforesaid. *Resolved*—That the steps necessary for setting for setting on foot the *Sustentation Fund* be taken without delay, in such order as a Committee of Synod, to be appointed for that purpose, shall determine."—Session of 1871, page 62, 63. See also next chapter, and also "By-law for the expenditure of the Mission Fund," adopted in 1871. Session of 1871, page 44.]

#### CHRISTMAS OFFERTORY FOR THE INCUMBENT.

[**NOTE.**—In 1860 and 1867 the following resolutions were passed:]

1. That the offertory of the respective congregations of the Church throughout the Diocese, on Christmas day every year shall be devoted to the sole use of the Incumbent of the Church in which the offertory is made.—Session of 1860, page 181.
2. That the expense of printing and forwarding the usual annual pastoral letter of the Bishop, respecting the Christmas offering, together with all similar papers, shall be borne by the Synod, instead of being made a charge on the clergy.—Session of 1867, page 67.



## CHAPTER XXII.

**Appointments to, and Stipend Assessment of, Vacant Parishes.**

[**NOTE.**—In 1863, the draft of a series of canons on the appointment to, and assessment of, vacant parishes, was laid before the Synod and the following resolution passed :]

1. That a committee be appointed to consider and report upon the \* \* \* canon [relating to the appointment to, and [stipend] assessment of, vacant parishes.]—Session of 1863, page 15.

[**NOTE.**—A report from this committee was laid before the Synod in 1864, (see page 16 of Proceedings,) and the following resolution was passed :]

2. That the report of the committee on [appointments to and stipend] assessment of vacant parishes be received and printed, and that the consideration thereof lie over until the next meeting of the Synod.—Session of 1864, page 16.

[**NOTE.**—In 1865 this report was brought before the Synod and deferred until the next session, (page 52); but there is no record on the Minutes of the Synod that this matter came up again in 1866, or until 1867, when the following resolution was passed :]

3. That the consideration of the Canon for the [appointments to and stipend] assessment of, Vacant Parishes be postponed until the next meeting of the Synod, when it shall be printed on the notice paper issued by the Executive Committee, and shall be the second order of the day, after notices of motion.—Session of 1867, page 67.

[**NOTE.**—In 1868 this canon was brought up, and, after discussion, amended and adopted, as follows :]

## COMMISSION TO ASCERTAIN RESOURCES AND LIABILITIES OF PARISH.

4. In all parishes, or missions, in which the stipend of the Clergyman is not wholly derived from local endowments, upon the application either of the Clergyman or any two Churchwardens of said parish or mission, and in every case when a parish or mission is vacant, the Bishop shall commission at least one clergyman of the Diocese, and one Lay

member of the Synod, to visit the said parish or mission and to confer with the several congregations thereof, for the purpose of ascertaining its resources and liabilities, and thereupon to report to the Bishop in writing, the amount which the said parish or mission may be fairly expected (in proportion to its ability, as compared with that of other parishes in the Diocese) to contribute towards its Clergyman's stipend.

**ESTIMATED AMOUNT SUBJECT TO REVISION.**

5. Such arrangement shall be subject to revision by a commission, appointed as aforesaid, after a period of not less than three years, upon the application of either the Clergyman or any two Churchwardens, unless in case of a vacancy.

**WITHOUT ASSURANCE NO APPOINTMENT TO BE MADE.**

6. No appointment shall be made to a vacant parish or mission until a satisfactory assurance shall have been given to the lord Bishop, that the amount so determined upon will be annually contributed for the purpose aforesaid.—Session of 1868, pages 52, 54-56, 57.

[**NOTE.**—The subject did not come before the Synod in 1869 or 1870; but in 1871, a “by-law for the expenditure of the Mission Fund,” was adopted, which provided (sections 2 and 3) substantially for the same thing as this Canon.—Session of 1871, page 44. See next chapter.]

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**CHAPTER XXIII.**

***Diocesan Board of Missions.***

[**NOTE.**—The Church Society having appointed a committee “to revise the Constitution and By-laws of the Church Society of the Diocese of Toronto,” that committee brought into the Synod a series of resolutions in 1860, proposing among other things, “that a Board of Missions be established, to be under the organization of, and shall be a committee of, the Church Society for the Diocese, to be called ‘the Diocesan Board for the Sustentation of Parochial Clergy and Missionaries.’” The resolutions were not concurred in, but the following resolution was passed :]

1. That the resolutions [of the Committee appointed to revise the Constitution and By-laws of the Church Society of the Diocese of Toronto,] on the subject of the Board of Missions, be referred to the Committee, to whom was referred the resolution on the Incorporation of the Synod, and that the Church Society be requested to appoint a committee to co-operate with the Committee of the Synod, and that the resolutions of such joint Committee, on being approved of by the Church Society, shall be considered as the resolutions of this Synod, and be acted on accordingly until reported on at the next meeting of the Synod.—Session of 1860, pages 183, 184.—See also pages 193, 194.

[NOTE.—A meeting of this joint Committee was held on the 5th of July, 1860, and the following By-laws for the establishment of a Mission Board was adopted and communicated to the Synod. In 1861 a committee was appointed on the subject of a “consolidation of the revenues and resources of the Church.”—(Page 303 of Proceedings.) At the same session the By-laws adopted by the Mission Board in 1860, were confirmed by the Synod, as follows:—See pages of Proceedings of Synod, 276, 289, 303, 304. These by-laws were, however, repealed by the Synod in 1871. See Report of Proceedings, pages 43-48 and 180-184.]

Whereas it is desirable for the better securing of the administrations of religion throughout the Diocese that there be a systematic plan for the payment of the stipends of missionaries, whether settled or travelling.

2. Be it enacted, that the Standing Committee of the Church Society be constituted and empowered to act as a Diocesan Board of Missions; and that a fund, to be called the Mission Fund, be under their control, to be administered as hereinafter provided.

3. That the said Mission Fund do consist of—

- a. Commutation Trust Fund, [repealed at the session of 1864, page 29.]
- b. The moneys at the disposal of the Central Board, for the management of the Sustentation Fund.
- c. All collections for missionary purposes, made in churches or stations throughout the diocese.
- d. All subscriptions to the Church Society, not specially appropriated to any other object, with the exception of one-fourth to be applied to the General Purposes of the Society.

- e. All donations and legacies for missionary purposes, regard being had to the directions of the donor or testator.—No. 1, of Session of 1860, pages 202 and 203.
- 4. a. That the Board of Missions assumes the payment of their stipends to all missionaries who have been up to this date [June 19th, 1862,] licensed by the Bishop to minister within the limits of any district association of the Diocese; provided the committee of such district association shall, from time to time, place the Board in possession of sufficient funds to cover the stipends, or shall fulfil such stipulations as may have been, in special cases, entered into with the Board.
- b. That the Board will be ready to assume the same obligation in reference to such missions as have had promises made to them by any district association, and have been accepted by the board as having claims upon its consideration, before any other new missions are provided.
- c. That after such missionaries or missions have been provided for by the board from the funds contributed by their respective district associations, any surplus there may be shall be applicable to the payment of missionaries in any part of the Diocese, when the Bishop shall see fit to appoint a clergyman to minister in any mission recommended to his lordship by a district committee, through the Mission Board.
- d. That the incumbents of settled parishes which shall pay or secure, through the district committee, the stipends of their minister, or any portion thereof, shall be entitled to draw the same amount from the board.
- e. Resident Clergyman, for whom the parish provides a residence, and guarantees to the Board of Missions £100 per annum, shall receive from the Board £50 per annum as stipend, if the funds of the Board permit, and if, considering the exigencies of the case, in regard to other destitute parts of the Diocese, it shall appear to the Board expedient to grant it.—Session of 1862, pages, 30, 31.
- 5. That all District Branches now employing a travelling missionary or missionaries shall be entitled to the maintenance of such missionaries, on transferring their funds to the Board of Missions, and on their continuing to contribute the necessary funds, (including the funds so transferred,) for his or their support, provided that such district branches recommend the same. But that in all other cases the requirements of the

District Branches for missionaries be submitted by each locality to the Board of Missions, who shall decide upon the order in which the said requirements are to be carried out according to their urgency and necessity ; but that the appointment of all missionaries rests absolutely with the Bishop, and that no Clergyman shall be recognized by the Board, unless he shall have previously received his lordship's license.—No. 4, Session of 1860, page 204.

6. That the Board of Missions shall have power to make such rules and regulations to carry out this by-law as they may deem necessary.—Session of 1860, pages 202-204.

[**NOTE.**—This by-law was confirmed during the session of 1861, Page 289 ; see also pages 303, 304. It was amended at the Session of 1862, page 31. See also same Session, page 17. It was repealed in 1871, pages 43-48, and 180-184. The Mission Board not having presented its report to the Synod in 1863, the following resolution was passed :]

7. That the Mission Board be required to report to the Synod at its annual meeting.—Session of 1863, page 18.

[**NOTE.**—The question as to how the amount required each year by the Mission Board should be raised having been brought up and discussed in 1864, the following resolution was passed on the subject.]

8. That it is expedient to raise the amount required in each year by the Mission Board, upon the principle of appropriating definite sums, to be raised by each locality according to their means and circumstances.—Session of 1864, pages 20, and 21. See also *Church Chronicle* for September, 1864, pages 81, 82.

[**NOTE.**—In 1865 the Committee on the appropriation of the Mission Fund reported as follows :]

9. That the resolution of Synod, by which it was resolved that [the Mission] fund should be raised by apportionment of the amounts, first amongst the districts, and afterwards amongst the parishes, was accepted by the Church Society at the August meeting, 1864, with the following addition [to the second section] “according to the eighteenth article of the constitution”—an addition which no way alters the effect of the original resolution.

10. That at the November meeting the intention of the Synod was carried out by voting that the sum of \$9,213 should be raised for missions, and that an additional sum should be raised in the same manner for the General Purposes of the Society.

11. That this estimate for missions was apportioned by the Mission Board (amongst the five districts) by adopting the general scale of apportionment which had been adopted by the Episcopal Endowment Committee, and applying it in similar proportions to the several districts, etc.—Session of 1865, pages 33, 34. [Mem.—There is no record on the minutes of Synod that this report was adopted.]

[Note.—In 1866 the Mission Committee submitted their report, which was received. From the latter part we make the following extract:]

12. The Committee believe that it is now generally acknowledged that the principle of apportionment not only is the correct one, but that it has already produced an important effect in adding to the sum raised for missionary purposes. Still they believe that important improvements may be made in the principles upon which apportionments are made; and that when those improvements are made by the Committees of the several districts, the justice of the principle will be more universally acquiesced in. They allude to the more perfect carrying out of that portion of the original enactment of the Synod, that regard should be had to the circumstances of the several parishes, which cannot be so effectually done, until those circumstances are not merely conjectured, but actually ascertained in detail.—Session of 1866, pages 59-63.

[Note.—There is no record on the minutes that the subject came before the Synod in 1867, except in the Bishop's address, in which he urged the necessity of increased effort being made on behalf of the mission work of the Church Society, for, said he, "It is certain that thrice its present income is *required* to do anything like adequate justice to the missionary field before us."—Page 22. Reports on the Indian Missions were submitted in 1867 and 1868, but not on the general mission work of the Diocese, that being under the control of the Church Society. In 1869, the Church Society Mission Board report was laid before the Synod, (page 126)—that Society having become incorporated with the Synod. In the temporary constitution adopted this year provision was made for the appointment of a Mission Board Committee of the Synod, (pages 50 and 65). In 1870, a revised constitution was adopted, providing, among other things, for a Mission Board as follows:]

#### CONSTITUTION AND DUTY OF MISSION BOARD.

13. "The Mission Board shall consist of the two Archdeacons, eleven Clergymen, and eleven Laymen, members of the Synod, one at least of each order from each Rural

Deanery of the Diocese." A fund shall be established, to be called the Mission Fund, which shall consist of all special collections made from time to time in the churches and chapels of the Diocese, in aid of the same, of the interest of all legacies, of all donations and subscriptions, and of all collections for missionary objects to be made annually, as hereinafter provided, in the parishes and missions of the Diocese, any by-law and regulation of the late Church Society to the contrary notwithstanding, and of the interest derived from the invested proceeds of the sales of lands given for missionary purposes; and the Fund so created and established shall be administered by the Mission Board, in accordance with the by-laws of the late Church Society relating to the same, as they existed at the time of the Incorporation of the said Society with the Synod, or in accordance with any by-laws that may at any future time be adopted by the Synod. It shall be the duty of every Incumbent of a Parish or Mission in the Diocese to hold annually, in every church, chapel, or place in his Parish or Mission, a Missionary Meeting in aid of the Mission Fund of the Diocese, and to cause collections to be made for the same object, and to remit the same to the Secretary-Treasurer of the Synod, not later than the last day of April in each and every year."—Constitution of 1870, Section 27.

[**NOTE.**—In the same year the question of a Diocesan Missionary meeting during the sessions of the Synod was brought up by Professor Wilson, and the following resolution passed:]

ANNUAL MISSIONARY MEETING DURING SYNOD.

14. That a Diocesan Missionary Meeting shall constitute a part of the annual proceedings of the Synod.—Session of 1870, page 78.

[**NOTE.**—A resolution the same effect was, on motion of Professor Wilson, passed at the Provincial Synod in 1871.]

[**NOTE.**—A report from the Mission Board was presented to the Synod and adopted in 1870, (pages 44,75, 181-188.) The following resolution in regard to the stipends of Missionaries was adopted:]

MISSIONARY STIPENDS RAISED TO \$600 and \$800.

15. That it be a recommendation from this Synod to its Mission Board that the salaries of its Missionaries, paid in whole or in part by the Board, be, for those in Priest's orders,

\$800 per annum, and for those in Deacon's orders \$600 per annum ; and that this Synod pledges the Diocese to support this scheme.

[NOTE.—In 1871, the report of the Mission Board was laid before the Synod and adopted, (pages 32, 43,) and the Bishop, in his address (page 25,) referred to the effect of this beneficent recommendation, and stated that "a plan recently adopted by the Diocesan Mission Board for giving practical efficacy to this laudable intention, and for carrying out more effectually the objects of the appointment of that Board, will be laid before the Synod. The plan cannot fail of success if the Missions themselves are but true to the desire of having faithful Clergymen, and securing their services by furnishing a liberal and punctually paid stipend." A by-law embodying the "plan" referred to by the Bishop, was therefore proposed by Archdeacon Fuller, and, after some modification, was adopted, as follows :]

#### PRINCIPLES AND OBJECTS OF THE MISSION WORK.

16. In order to carry out more effectually the mission work of the Diocese, it is desirable that the by-laws for the expenditure of the moneys of the Mission Fund should be repealed ; and that in framing new ones, the following principles and objects should, as far as possible, be kept in view :

(1.) To apply the Mission Fund so as to elicit the greatest amount of local effort, and to render each Mission, as soon as practicable, self-supporting.

(2.) To grant each Mission just so much aid as it requires ; taking up each case on its own merits.

(3.) To raise the present scale of pecuniary remuneration to our Missionaries.

(4.) To render the payment of stipends to Missionaries as certain and as regular as possible, without wholly destroying that wholesome degree of stimulus, necessarily implied in the voluntary system.

(5.) To relieve the Missionary from the unpleasant, invidious, and derogatory task of pleading, before his people, for his own individual remuneration ; and yet make it his duty and interest to urge the claims of the Mission Fund on them.

(6.) With a view to securing the last mentioned result, that the stipends of our Missionaries be paid *wholly* through the Secretary-Treasurer of the Synod ; and, by consequence, the contributions of the people be sent into that official.

#### RURI-DECANAL COMMITTEE ON MISSIONS.

17. To carry out the above plans and objects, there shall be elected annually, at the time of the election of the other

officers of the Synod, by the members of the Synod, for each Rural Deanery, two Clergymen, and two laymen being communicants and living in the Rural Deanery for which they shall be elected, who, with the Archdeacon and the Rural Dean of the locality, shall constitute a *Committee on Missions for that Rural Deanery*; and a quorum of said Committee shall consist of the Archdeacon, or Rural Dean, and any two elected members.

#### RURI-DECANAL COMMITTEE TO VISIT MISSION.

18. Before a grant be made by the Mission Board in aid of any Mission, it shall be the duty of said Committee to visit such Mission in order to confer with the several congregations thereof, for the purposes of ascertaining their resources and liabilities, and arranging with them as to the amounts which they might fairly be expected to raise towards the stipend of their Missionary; and said Committee shall report to the lord Bishop, within one week of their visit, the result of their enquiries, the arrangements which they have made with the several congregations, and the action they would recommend.

#### RURI-DECANAL REPORT AND ACTION OF THE BISHOP.

19. This report, with such remarks thereon as the lord Bishop may deem fit, shall be laid before the Mission Board at its next ensuing meeting,—when the Board shall decide as to the amount which they are able and willing to grant toward the support of a Missionary in said Mission; which decision shall regulate the amount to be given to such Mission from the funds at the disposal of the Board, from the date of the agreement with the several congregations of the Mission; or, in the case of the appointment of a new Missionary, from the date of the appointment of the Missionary of said Mission.

#### FAILURE TO MAKE UP QUOTA—REMEDY.

20. In case the several congregations of any Mission fail to make up their quota of a Missionary's stipend required by the Mission Board, in conformity with the following scale, viz:—\$800 as the stipend of a Missionary in Priest's orders, and \$600 for those in Deacon's orders, then the said Committee on Missions for the Rural Deanery shall re-visit the several congregations of said Mission, and endeavour to induce the people to raise the proportion payable by them towards the stipend of their Missionary to the amount required, and report

within one week of the time of their visit, to the lord Bishop, the result of their labours; which report the lord Bishop shall transmit to the Mission Board, with his recommendations in regard thereto, at its next ensuing meeting.

WHEN AGREEMENT MAY BE ENTERED INTO.

21. That whenever the Mission Board and the several congregations of any Mission have agreed as to the amounts which they shall severally contribute towards the stipend of their Missionary, (which stipend shall never be *lower* than that recommended by the Synod of 1870), then it shall be the duty of the Secretary-Treasurer of the Synod to enter into a written agreement in duplicate, with two or more members of such Mission, approved by the Mission Board, according to the accompanying form :

Articles of agreement between the Board of Missions of the Synod of the Diocese of Toronto, and two or more members of the congregation of the Mission of witnesseth that the undersigned Churchwardens of said congregation, ~~to have the sum of~~ dollars, lawful money of Canada, collected and paid quarterly to the Secretary-Treasurer of the Synod of said Diocese, so long as the ministrations hereafter agreed upon to be afforded to said congregation shall be continued.

The services referred to in the above paragraph shall be and in consideration of the regular and punctual payment of the above mentioned sum, the Board of Missions aforesaid hereby undertake to maintain such ministrations of the Church, in the place and at the time mentioned above, so long as the said sum shall be paid.

The present agreement is for the term of three years counting from the Signed in Duplicate.

STIPENDS TO BE PAYABLE QUARTERLY.

22. These agreements having been thus entered into, it shall be the duty of the Secretary-Treasurer of the Synod to pay *quarterly* the stipends of the Missionaries, out of the general Mission Funds of the Diocese, according to a list furnished him by the lord Bishop, but subject to regulations contained in the subsequent clauses of this By-law.

ENGAGEMENTS TO EXTEND OVER THREE YEARS.

23. Every engagement between the Board of Missions and the congregations of any Mission, shall be binding upon both parties for three years, unless otherwise agreed upon; but it is

expressly understood, that every such engagement shall be liable to revocation or modification at the end of each three years; or on a change of the Missionary in charge; or whenever two-thirds of the members of the Board present at any meeting of the same, see sufficient reason to alter their estimate of the pecuniary ability of the Mission; notice of such proposed modification or revocation must be given at one meeting of the Board, and discussed and disposed of at the next.

## NOTICE IN CASE OF FAILURE TO REMIT.

24. Whenever any Mission shall fail to remit the amount agreed to be paid into the Mission Fund, by the several congregations of said Mission, or any part thereof, then three months after the sum shall have fallen due (the amount still remaining unpaid) it shall be the duty of the Secretary-Treasurer of the Synod meanwhile to suspend payment to the Missionary of his stipend; to report the said failure to the lord Bishop, who shall order the Secretary-Treasurer to transmit to the Missionary, and also to the Churchwardens of the congregations in arrear, a copy of the following notice:

*To the Churchwardens and Members of the Congregation of*

I have been directed by the Mission Board to notify you that the contribution due from you to the Mission Board of the Diocese, not having been paid on \_\_\_\_\_ day of \_\_\_\_\_ the services of your Missionary will, after Sunday next, (or from this day) be suspended by order of the Bishop, in accordance with a standing rule of the Synod to that effect, until the payment as agreed upon is duly made.

This may seem to be a severe measure; but the Board of Missions have been unable to devise any other just and practicable course which might bring home to all parties the gravity of the occasion, and the imperative necessity of prompt and decisive action in the matter.

I am, Gentlemen,  
Your obedient servant,

*Secretary-Treasurer.*

This notice shall be read to the congregation in arrears, on the two Sundays on which service is held, next after the receipt thereof.

## FAILURE OF STIPEND—DUTY OF MISSIONARY.

25. That it shall be the duty of the Missionary, whose services have been thus suspended, to report that fact, within one week, to the lord Bishop of the Diocese.

26. That when thus notified, the lord Bishop shall direct the Committee on Missions for the Rural Deanery to ascertain, as soon as practicable, the reason of said failure.

27. It shall be the duty of the Missionary in charge of the defaulting congregation, and the Churchwardens thereof, to appear before this Committee on Missions, when notified by the Chairman thereof of the time and place of their meeting, which place shall be in the Mission.

**COMMITTEE ON MISSIONS TO EXAMINE AND REPORT.**

28. That a full written report of all the evidence taken by the Committee, with their opinion on the merits of the case, shall be forwarded to the lord Bishop within one week after the completion of their enquiry, by the Archdeacon or Rural Dean presiding, and authenticated by his signature; and, on receiving this report, the lord Bishop shall forthwith forward it to the Mission Board, with any remarks appended thereto that he may deem proper.

**MISSIONARY TO BE SUSTAINED—WHEN.**

29. That, when the congregation are found in fault, and they can show no just cause for complaint against their Missionary, and they still continue in arrears, then their Missionary, if he desires it, shall be sustained in his position, at the discretion of the lord Bishop.

**REMEDY IN CASE ARREARS CONTINUE.**

30. That in case the congregation shall continue in arrears in regard to their engagement, after having been reported in fault, and shall still refuse or neglect to pay up such arrears, then the lord Bishop shall direct the Secretary-Treasurer of the Synod to pay to such Missionary so much from the Mission fund of the Diocese, as will enable him to remain on the spot for a period not exceeding three months, at the discretion of the lord Bishop; or as will enable him to remove to some other Mission in the Diocese to which he may be appointed; and it shall not be lawful for the Secretary-Treasurer to pay any moneys to a new Missionary in said Mission until all arrears shall have been paid to the Secretary-Treasurer of the Synod by said Mission, as due to their late Missionary for services performed; and also until they shall have paid to the Secretary-Treasurer sufficient to repay the Mission Fund the money advanced to their Missionary, to bear the expenses of

his removal. In every such case the Mission Board may aid in sustaining another Clergyman to serve the Mission, at such time and on such conditions as the lord Bishop shall deem right.

**WHO SHALL NOT SERVE ON COMMITTEE, AND WHEN.—EXPENSES.**

31. No Clergyman or layman shall serve on the Committee on Missions when his own Mission forms the subject of enquiry; but the Missionary in charge shall have the right of objecting to any elected member of the Committee on showing cause for so doing to the satisfaction of the lord Bishop who shall then appoint another in the room of the one objected to as far as this case is concerned.

30. That the actual necessary expenses of the Committee on Missions in each Rural Deanery, incurred in carrying out the provisions of this By-law, be paid by the Secretary-Treasurer out of the general Mission fund of the Diocese to the Chairman of the Committee, who shall pay the expenses of the several members of the said Committee.

31. That the By-laws of the late Church Society for the management of the Funds of the Mission Board are hereby repealed—Session of 1871, pages 43-48.

[NOTE.—The first Annual Diocesan Missionary Meeting in connection with the Synod was held on the 20th June in St. James' School House, at 7½ o'clock p.m. The Right Reverend the Bishop of the Diocese in the Chair. After prayer by the Rev. Rural Dean Geddes, M. A., the Bishop briefly addressed the meeting on the subject of Missionary work. Moved by the Rev. Septimus Jones, M.A., of Toronto, seconded by the Hon. Chief Justice Draper, C.B., and adopted—1. "That the manifestation of an earnest sympathy in the missionary work of our own Diocese, is an indispensable evidence of that true life, without which the Church will fail in the great duty entrusted to it by the Lord of the Harvest."—Carried. Moved by the Rev. Dr. Paddock of Brooklyn, seconded by the Rev. Dr. Haight, of New York, and adopted—2. "That this meeting rejoices to recognize in the Branch of our Church planted in the United States, a faithful fellow-labourer with the Church of England and Ireland, in the propagation of the Gospel of Christ, and cordially desires that the moral and religious influence may become more and more prevalent in that great and powerful community, in which her lot is cast." After which a Hymn was sung, and the collection taken up. The Bishop then pronounced the Benediction, and the meeting separated. On the 21st of June it was moved by the Rev. Archdeacon of

Niagara, seconded by Professor Wilson, and adopted—"That the best thanks of the Synod are due, and are hereby tendered to our brethren, the Clergy of the American Branch of the Church, who kindly attended our Missionary Meeting last evening, and delighted and instructed all who heard them; and that a copy of this resolution be sent to those gentlemen."—Session of 1871, pages 35 and 41.]

## CHAPTER XXIV.

### Indian Church Missions.

[NOTE.—The subject of Indian missions in Canada was first brought before the Synod in the address of the Bishop, at the Session of 1854, (page 7.) In that address the Bishop gave an account of his visit to missions at Great Manitowahning Island and Garden River, and stated that the Rev. Dr. O'Meara had gone to England to solicit aid in their behalf. At the next session, held in 1856, the following resolution was passed :]

1. That a committee of this Synod be appointed to consider the state of our Indian missions, and that measures shall be taken for securing their efficiency and permanance.—Session of 1856, page 32.

[NOTE.—In 1857, the committee presented a detailed report on the number of missions already established, and made various suggestions. The report was ordered to be laid on the table.—(Session of 1857, pages 25-28.) At the June meeting, in 1858, the Bishop referred, in his opening address, to his visit to the Indian missions at Garden River, the Narrows, and Manitowahning, or Manitoulin Island.—(Page 14.) The following resolution was subsequently adopted :]

2. That a committee of the Synod be appointed to determine what are the best means of carrying on and increasing the Indian missions.—Session of 1858, pages 70 and 124.

[NOTE.—At the Session of 1859, a report on Indian missions was laid before the Synod, (pages 28, 29,) but there is no record of its having been adopted. In 1860, however, a joint committee of the Synod and Church Society agreed, that the standing committee of the Church Society should form a Diocesan Board of Missions, which should report annually to the Synod. The by-laws of this Board were also to be submitted to the Synod for its approval.—(Session of 1860, pages 201, 204.) Except in the Bishop's annual address of 1862, (page 12,) the subject of Indian missions was not further brought before the Synod as a separate matter until 1865. In that year, however, it was moved]

3. That the lord Bishop be requested to nominate a committee to watch over the interests of our Indian missions in this Diocese.—Session of 1865, page 55.

[**NOTE.**—This committee was appointed, as requested in the resolution.—(pages 54 and 55.) In the same year 1865, Revs. Messrs. Givins and Holland brought the matter before the Provincial Synod, when the following resolution was passed. “That in order to further the spiritual interests of the Indian tribes in this Province in connection with the Church, the Bishops of the several Dioceses be respectfully requested to appoint a committee, consisting of two delegates from each Diocese, whose duty it shall be to enquire into the state of the various Indian missions in this Province, and to devise means for providing funds for the extension of said missions in connection with the Synods or Church societies of the several Dioceses, and to concert such other measures for the amelioration of the condition of said tribes as may be deemed advisable, and that such committee shall report to this Synod.”—(Proceedings of Provincial Synod, 1865, page 55.) This resolution having been sent to the Upper House, the following message was sent down in reply: “The Metropolitan begs to inform the Prolocutor that the House of Bishops have approved of the resolution of the Lower House, requesting the appointment of a committee to inquire into the state of the various Indian missions, etc., and that they have named the following delegates, being two from each Diocese, to be members of said Committee.” (Messrs. Givins and Grasett were named for the Toronto Diocese.)—Proceedings of the Provincial Synod for 1865, page 63 and 71. In 1866 the first report of the Committee, appointed by the Toronto Synod for 1865, was laid before that body (pages 37-42.) The report was adopted, and the Committee was reappointed, (page 59.) In 1867 a report was also presented, (pages 36-41.) It was adopted as follows:]

4. That the Report of the Committee on Indian Missions be adopted and printed for general circulation; that the Church Society be requested to place the Indian Missions on a distinct footing, and that the plans submitted to the Synod be referred to the consideration of the Church Society.—Session of 1867, page 61.

[**NOTE.**—In 1868, a report from the Committee was presented to the Synod, (pages 40-47.) After amendment it was adopted and ordered to be printed after conference with the Committee, (page 66.) In the same year (1868) the Provincial Synod Committee on Indian Missions, (appointed in 1865,) presented an historical report on the subject (Proceedings of 1868, pages 27-35.) It was adopted and ordered to be printed “in a condensed form,” (page 53.) A Committee on Indian Missions of two delegates from each diocese, (Rev.

S. Givins and Prof. Wilson of Toronto) was also appointed "to watch over and promote the interests of these missions under the direction of their respective Bishops," (page 52.) In 1869, a report of the Committee of the Toronto Synod on Indian Missions was presented, (page 43,) and adopted, (page 67. See also pages 92-95, and 128, 129.) In 1870 a report from the same Committee was presented to the Synod, (page 31,) and adopted, (page 64. See also pages 168, 171.) The following resolution was also concurred in, on motion for the adoption of clause seventeen of the amended constitution:—]

5. That the second paragraph of clause 17 of the Constitution be a sub-section, and read as follows:—The Indian Mission Committee shall consist of four Clerical and four Lay Representatives, who shall have charge of the Missions to the Indians, and shall manage and administer all moneys collected for, and all funds belonging to such Missions, upon the same trusts on which they were held by the late Church Society at the time of its Incorporation with the Synod, or in accordance with any By-laws which may hereafter be adopted by the Synod.—Session of 1870, page 60.

[NOTE.—By a resolution subsequently adopted, this sub-section was made a separate section and numbered 28 in the new constitution of 1870, (see pages 64 and 95.) In 1871 a report from the Committee was laid before the Synod (page 34,) and adopted by resolution as follows:—]

6. That the report, be adopted and that the Lord Bishop be authorized to take the necessary steps for carrying out the recommendations contained therein.—Session of 1871, page 49.

[These recommendations are as follows:—]

7. That until arrangements can be made for the more efficient oversight and protection of the Indian Missions in the Algoma district, the duties hitherto assigned to the Indian Missions Committee, be delegated to the Mission Board; and in doing so, [the Committee] would respectfully submit that, as the district for which their efforts have been directed, is now rapidly becoming the highway to the North-West, and is thereby receiving a vast influx of inhabitants, the time has arrived when the interests of the Church in that region imperatively demand attention.

8. That with a view, to bring more prominently before the whole Church the spiritual necessities of the white inhabitants, as well as of our Indian brethren in that destitute region, the Lord Bishop be requested to appoint a deputation to explore

during the ensuing summer, and report on the capabilities and wants of that part of the Diocese, and that his lordship be authorized to take such steps to meet the exigencies of the case as may be deemed expedient.—Session of 1871, page 49.

[NOTE.—The Provincial Synod Committee on Indian Missions presented their report (Proceedings, pages 47-52.) Its adoption was, however, left over as unfinished business," (page 129.) A Committee was appointed, including Rev. C. J. S. Bethune, M.A., and Prof. Wilson from the Diocese of Toronto. [(Page 103 of Proceedings,]

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## CHAPTER XXV.5

### *Missionary Bishop to the Indians.*

[NOTE.—In his Pastoral letter of 16th January, 1854, the late Bishop of Toronto, thus referred to the appointment, even then, of a Missionary Bishop to the North-west, taking his name from the Sault Ste Marie, and having charge of the scattered "heathens or Indians." In that letter he says:—"In regard to the Bishopric of St. Mary, though not placed with the other three Sees, it is not to be forgotten, and may be endowed as follows: First, we have the donations or contributions within its bounds, which, though of very small amount, will nevertheless yield something, and will increase. Second, we have the hope of some excess over the fifty thousand pounds, a portion of which, and such a small percentage on the whole amount, as the Synod may see fit to deduct, may both be added to what is collected in the Diocese. We have reason to look for special gifts to the See of St. Mary from the great Church Societies and other liberal and pious friends in England, because it is different from the other Sees in this: that it includes the heathen or Indians, for whose benefit it is more particularly intended. Should the sums to be derived from these three sources be insufficient, let them be carefully tested and allowed to accumulate till, from accruing interest and occasional offerings, the endowment shall be secured. In the meantime the See may be placed in charge of the Bishops of Toronto and London, as more adjacent, to visit alternately. In this way the four Bishoprics would be placed on a permanent basis, and the Church of Western Canada would not only find friends on all sides ready to assist and encourage her exertions; but she would become a spectacle of deep interest and example to the Christian world." The matter seems to have remained in abeyance for several years. At length in his address to the Synod in 1862, the Bishop again refers to it as follows:—"The Synod is aware that when in London in 1850, he had called

the attention of the proper authorities to the vast extent of the Diocese of Toronto, and suggested a plan for its division into four separate dioceses. After many delays and much trouble during more than ten years, he had the satisfaction to behold three of these dioceses (Huron, Toronto and Ontario) fully established; but the fourth See, or the proposed Bishopric of Ste Marie, was still in abeyance, and yet \* \* \* he still trusted and believed that it would become the seat of a Bishop of the Church of England, although he might not live to see its accomplishment. He ought, indeed, to be more than satisfied in having been in some degree instrumental, through God's benignant Providence, in establishing three out of the four dioceses proposed in 1850—but he still retained a yearning desire to do something for Ste. Marie before his departure, and it was this which prompted him to touch upon the subject. It was very central, and would become in time a large city, and be required for the religious teaching and civilization of North Western Canada. The region, of which it was the centre, offered space almost inexhaustible for the most extensive agricultural settlements; and mining establishments without number, especially in copper and iron of the finest quality, might in time be profitably erected along the banks of Lakes Huron and Superior and the adjacent islands," etc.

[NOTE.—In 1868, the following resolution on this subject was adopted by the Synod.]

1. That in view of the importance and extent of the field of Missionary labour among the Indians of the North West, and its isolation from the rest of the Diocese of Toronto, and in view also of the probable opening up for settlement of that territory, this Synod feels that it is of the utmost importance that means be devised for the appointment of a Missionary Bishop with as little delay as possible, which Bishop should be especially charged with the care of the Indian Missions; and that the Provincial Synod be and is hereby memorialized to give its early and most serious attention to this subject, at its session in September next.—Session of 1868, page 64.

[NOTE.—In the resolution submitted to the Synod in 1869, on the increase of the Episcopate, provision was made in Schedule B, (page 71) for the appointment and jurisdiction of a Bishop, "until a Missionary Bishop be appointed," over the Indian Missions. In 1871, the question was again brought before the Synod by the Rev. Messrs. Cartwright and Lett, and the following resolutions on the subject were passed:]

2. That seeing the large accession of territory, and the vast increase of population enjoyed by Canada consequent on the recent confederation, and the admission into the Dominion of

British Columbia, Manitoba, and other important districts of country ; and recognizing the imperative duty of the Church to supply every part of the Dominion with the appliances of education and ministrations of religion ; this Synod is of opinion that the great Mission work of the Church, especially in the Indian and newly formed settlements of the Dominion, may be more effectively carried on under the direction and control of a General Mission Board appointed by the Provincial Synod, than by the separate Dioceses, as at present attempted.

3. The Synod would, therefore, strongly urge upon the Provincial Synod the importance of appointing, without any unnecessary delay, Missionary Bishops in conformity with the Canon passed on this subject at the last meeting of the Provincial Synod. And to aid in carrying out this desirable object, the Synod would further recommend the election of a General Mission Board, to consist of the Bishops and an equal number of Clerical and Lay-Representatives from each Diocese, under whose superintendence, subject to the approval of the Provincial Synod, the necessary regulations and appointments shall be made.

4. That a memorial be prepared for presentation to the Provincial Synod, praying for the adoption of the suggestions contained in the foregoing resolution, and that his lordship, the Bishop, be requested to appoint a committee to prepare such memorial.—Session of 1871, pages 61, 62.

[**NOTE.**—A Committee was appointed, and a memorial prepared and adopted by the Synod (pages 63, 64), the prayer of which (after embodying the foregoing resolution) was as follows :]

5. Your memorialists would, therefore, urge upon the attention of the Provincial Synod the importance of immediate and decided action in carrying out the suggestions contained in this resolution, as a course demanded by the growing population and increasing wants of the country, and as likely to be attended with unspeakable advantages to the Church ; and believing that both the requisite funds, and the suitable men may be obtained for the work, your memorialists pray that no time may be lost in giving effect to the Canon proposed by the House of Bishops at the last meeting of the Provincial Synod for the election of a Missionary Bishop, in choosing a field, collecting funds, and electing a Bishop in accordance therewith.—Session of 1871, page 64

[**NOTE.**—In September, 1871, this memorial was laid before the Provincial Synod and read (page 19, 20 of Proceedings). A Committee was appointed to consider it (page 37) but no report was presented, owing to early adjournment of the Synod.]

## CHAPTER XXVI.

### *Endowment of the See of Toronto.\**

[**NOTE.**—The Bishop in his Pastoral, published on the 16th of January, 1854, having called the attention of the Rural Deans, and the clergy generally, to the necessity of raising a permanent endowment for the See of Toronto, (after the setting off of the proposed new Sees of Huron and Ontario,) a meeting was called on the subject by the Rev. D. E. Blake, A.B., Rural Dean of the Home District. The meeting took place in Toronto, on the 4th of May, 1854. A committee of management was appointed, suitable resolutions passed, and assessments made. Rural Dean Fuller also called meetings on the subject in the Niagara District, and circulated subscription lists with good prospects of success. Rural Dean Osler, of the Simcoe District, by consent of his clergy, deferred action at present, the parishes being all rural. At this stage of proceedings it was deemed advisable, at the suggestion of the Bishop, to allow the matter to remain in abeyance.—Session of 1856, pages 9, 23, 25, and 29. In 1859 the subject was again brought up, and the following resolution was passed:]

1. That a Committee be appointed to take the necessary steps for the Endowment of the See of Toronto.—Session of 1859, page 103.

[**NOTE.**—Nothing further was done on the subject during the Session of 1860, except the re-appointment of the committee (see page 175 of Proceedings). In 1861, the Bishop also brought the matter before the Synod in his opening address, at the close of which he said: “and let it be remembered, that although my health is at present good, yet I am so far advanced in years, that I may pass away at any moment, and it would be a great comfort to me to know that this desirable object if not quite accomplished, had made

\* The present Diocese of Toronto includes the cities of Toronto and Hamilton, the counties of Lincoln, Welland, Haldimand, Wentworth, Wellington, Halton, Peel, York, Simcoe, Ontario, Durham, Victoria, Peterboro' and Northumberland, embracing 143 townships, together with the District of Algoma. In 1861, the Church of England population in the Diocese numbered 137,654. It is now doubtless upwards of 160,000.

promising progress before my departure" (see *Proceedings*, pages 264, 266.) In 1862, no report was presented, but the Bishop again brought the subject before the Synod, the Executive Committee did so also, when the following resolution was passed :]

2. That the strongly expressed wish of the lord Bishop for the endowment of the See of Toronto is a matter of such deep importance to our future peace and welfare, that the select committee appointed on the subject be directed to proceed to action without delay.—Session of 1862, pages 14, 37.

[*NOTE.*—At the Synod meeting in June, 1863, page 25, a report on the progress of the endowment was presented; and in August of that year, the Bishop issued a pastoral letter on the subject. See *Church Chronicle* for September, 1863, pages 81 and 82. At the Synod meeting in 1864 another report was presented, (pages 26, 27,) when the following resolution was passed :]

3. That the committee on the Episcopal Endowment Fund be instructed to invest the moneys collected for that fund in provincial or county debentures, and that investments be regularly made whenever the sum in hand amounts to \$2,000, or oftener, if advisable.—Session of 1864, pages 30, 31.

[*NOTE.*—In 1865, a report on a state of the endowment was laid before the Synod, (p p 21—25). A by-law presented for adoption, founded on the report, (p p 32, 33) was referred to a special Committee. Subsequently the following resolutions were adopted :]

4. That the future income of the Episcopate in the Diocese of Toronto, from whatever source ~~desirable~~, shall not at any time exceed \$4,000 per annum, unless arising from donations specially given for the See of this Diocese hereafter.

5. Should any surplus at any time arise from increased value of land or other securities, or from any other source, such surplus shall be appropriated to the increase of the Episcopal office.

6. Should any See House at any time be provided by the Diocese, the benefit of such house shall not be included in the above named income.

7. At any time <sup>it</sup> may become desirable to divide the Diocese of Toronto into two or more parts, and such division shall be sanctioned by the synod, each part so set off and intended to form a separate Diocese, shall be entitled to such part of the Episcopal Endowment Fund as was raised within its own bounds.—Session of 1865, pages 32, 33.

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8. That such division of the fund shall not take place until a sufficient sum is funded in the Diocese of Toronto, to make up the sum of (\$4,000), four thousand dollars per annum.

9. That this synod do assign to the clergyman employed in raising the endowment fund of the Diocese, a stipend at the rate of one thousand (\$1,000), dollars, per annum, to date from the 1st of April last, and continue as long as he is exclusively engaged in his present work.—Session of 1865, pages 32, 33, 52.

[**NOTE.**—In 1866, a statement of the fund was laid before the Synod, pages 34, 35. In 1867, a report with statement of the fund was submitted to the Synod, (pp 31, 35,) and adopted, page 61. That report stated that provision had been made for paying the Coadjutor Bishop of Niagara a salary at the rate of \$2,400 per annum, and highly complimented Rev. Canon Read on the success of his efforts to raise the endowment fund, and on the accuracy of his accounts. In 1868 no report was presented; but in 1869 a statement of account was presented for the two years, 1867, and 1868, (pp 161, 162). In 1870 a report of committee and statement of account were presented (pp 31, 118, 118) and adopted, (page 45), and the following resolution was passed :]

10. That the “Endowment of the See” committee be instructed to make personal application, by an agent or agents, to all subscribers in arrears to the fund by note or otherwise, in order to secure payment of the same, or renewal of notes when desired, and that the committee be desired to take such steps as they may deem advisable for their collection.—Session of 1870, page 45.

[**NOTE.**—In 1871, the report of the Committee was presented to the Synod and adopted. In it the Committee “recommended a strict adherence to the resolution adopted by the Committee in November, 1869, restricting to Episcopal income to \$2,400.—Session of 1871, pages 33, 43, and 86.]

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## CHAPTER XXVII

*Subdivision of the Diocese.*

*Originally adopted in 1857, re-enacted in 1860 and 1870.*

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1. In the event of a subdivision of the Diocese, the portion intended to form the new Diocese shall be bound in all their public proceedings by the Constitution of the Diocese of which they formed a part until the said new Diocese shall be fully organized by the election and ~~consentation~~ of the Bishop.—Session of 1857, pages 17 and 36 of 1860, page 151, and of 1870, page 110.

[*NOTE.*—In 1865, Rev. Canon Read introduced a “by-law on the Episcopal Income Fund,” which after discussion was adopted. The fourth clause of the by-law read as follows:]

2. At any time it may become desirable to divide the Diocese of Toronto into two or more parts and such subdivisions shall be sanctioned by the Synod, each part so set off and intended to form a separate Diocese shall be entitled to such part of the Episcopal Endowment Fund as was raised within its own bounds.—Session of 1865, page 33.

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## CHAPTER XXVIII.

*Election of a Bishop.*

*Reckoned*

[*NOTE.*—In 1856, a proposition was made to provide for the mode of electing a Bishop as follows: “Whenever a meeting of the Clergy and Lay Representatives shall be held for the election of a Bishop, the nomination shall proceed from two thirds of the Clergy, and shall be confirmed by two thirds of the Laity.—~~Signed~~ by parishes represented therein.” In amendment, it was moved as follows: “Whenever the Clergy or Lay Representatives shall be assembled to elect a Bishop or to agree upon a recommendation in such behalf to the Crown, the powers and duties of the two “orders

shall be the same in every respect,—the Lay Representatives voting by Parishes.” These resolutions were afterwards withdrawn.—Session of 1857, pages 21, 29, 30. In 1857, the Executive Committee made the following recommendation on the subject: “That at the election of a Bishop it be necessary that not less than two-thirds of the whole number of the Clergy, and of the Lay Delegates by Parishes entitled to vote, be present. That no Clergyman be publicly nominated for the office of Bishop; but that the Clergy and Lay Representatives, by Parishes, in their separate places, be directed, each and severally, to write upon a card the name of the Clergyman whom they would desire to elect as Bishop. That the same be dropped into a balloting-box, to be handed around to each individual by two persons appointed for that purpose. That whatsoever Clergyman shall have such a number of the votes of each order respectively, as shall constitute a clear majority of the whole number of each order respectively entitled to vote in each Diocese, shall be declared duly elected. That there be no election, unless with such majority of both Clergy and Laity, the latter voting by Parishes.” This proposition was negatived and the following amendment was carried : ]

1. The Clergy and Laity shall vote separately by ballot, the Clergy by individuals, and the Laity by Parishes. A majority of votes of each order shall determine the choice, provided that two-thirds of all the Clergy entitled to vote be present, and two-thirds of all the Parishes entitled to vote be represented; otherwise two-thirds of the votes of each order shall be necessary to determine the choice.—Session of 1857, pages 16, 18, 21, 36.

[NOTE.—In 1858, Dr. Bovell gave notice of a motion “to expunge the ‘Canon’ relating to Election of Bishops,” but he appears not to have proceeded any further with it.—Session of 1858, pages 55, 81—89. In 1859, however, he moved the following resolution which was carried : ]

1. That a committee be appointed to consider whether any and what modifications are or may be necessary to be made in the mode of electing Bishops.—Session of 1859, page 100.

[NOTE.—In 1860, this committee brought in a report on the subject, (page 155, of Proceedings,) and moved the following resolution: 1. That in the event of a vacancy of the See, or the erection of a new See within the limits of the present Diocese of Toronto, the Bishops of Canada be requested to present the names of three Clergy-men to the Synod of the Diocese in question, of whom the Clergy and Laity, in Synod assembled, shall be called upon to elect one as Bishop of the said Diocese. 2. That this recommendation be not

understood precisely to apply to the case of the first election of a Bishop in the new Diocese to be formed in the eastern part of the present Diocese of Toronto. 3. That if after ballot, no election shall have taken place, the Bishop shall be requested to present a second time the same number of names. These resolutions were negatived and the following revised canons were adopted :]

2. In the election of a Bishop to a vacant See, or to a new See, the Clergy and Laity shall vote separately by ballot: the Clergy by individuals, and the Laity by Parishes. A majority of votes in each order shall determine the choice, provided that two-thirds of the Clergy entitled to vote be present, and two-thirds of the Parishes entitled to vote be represented; otherwise two-thirds of the votes of each order shall be necessary to determine the choice.—Session of 1857, page 36; of 1860, pages 150, 155 and 180.

3. On a vacancy in the See, the senior Archdeacon, or in his absence the Archdeacon next in order of seniority, or in the absence of an Archdeacon, the senior Rural Dean, shall, within one week from the occurrence of such vacancy, summon a meeting of the Clergy and Lay Representatives, to be held at the expiration of twenty days from the date at which such meeting shall be summoned, to elect a successor to the See.

4. Any Clergyman elected to be a Bishop, and holding at the time of such election any preferment or benefice, shall resign such preferment or benefice, prior to his Consecration.—Session of 1860, pages 150, 155 and 180, and of 1867, page 37.

[NOTE.—The question did not again come before the Synod until 1864, when a motion proposed by the Rev. Mr. Holland was declared out of order.—Session of 1864, page 28 and 30. In 1865, the following resolution was introduced, with view to modify the foregoing Canons : “A majority of votes in each order shall determine the choice, provided that two-thirds of the Clergy entitled to vote be present, and two-thirds of the Parishes entitled to vote be represented; otherwise two-thirds of the votes of each order shall be necessary to determine the choice.”—Session of 1865, page 45.

[NOTE.—Rev. Canon Beaven moved, in amendment : 1. “That, on a vacancy in the see, the Archdeacon of Toronto, or in his absence the senior Rural Dean, shall, within one week from the occurrence of such vacancy, communicate that event to the Metropolitan, requesting him, with the concurrence of the other Bishops of the Province, to nominate, for the acceptance or rejection of the clergy and laity of the Diocese, a fit person to fill the vacant see. 2. That so soon as

the Bishops of the Province shall think fit, the Metropolitan shall call a ~~majority~~ meeting of the Synod of the Diocese, at which he shall preside, and proceed to such election: provided that provision shall have been made for the sustentation of such Bishop, and accepted by the Governor-General of the Province of British North America, within which the Diocese of Toronto is situated. 3. That if the first nomination should not be accepted it shall be competent to the Metropolitan, with the consent of the Bishops to proceed to a second or third nomination; and, if neither of these be accepted, then it shall be left to the Synod to propose three persons, from whom the Bishops shall select, or to offer one person for the acceptance of the Bishops; or to request the Bishops to make a selection from the Clergy of Great Britain and Ireland." *Lost.* Moved, in amendment to the last amendment: "That, whereas the Clergy and Lay members of the United Church of England and Ireland in this Province have, in virtue of the powers given them by the Synod Act of 1856, and the concession of her Majesty's prerogative, enjoyed the right of electing their Bishops according to their own Canons, this Synod deems it inexpedient to make any such alteration in, or addition to its existing Canons, as may in any way restrict, qualify, or interfere with the principle, and present mode of election of a Bishop by the Clergy and Lay Delegates of the Synod." *Lost.* The original motion was then put and carried.—Session of 1865, page 45—47. In 1867, on motion of Archdeacon Palmer, the following resolution was passed :]

5. That in the election of a Bishop to a vacant See, or to a new See, the Clergy and Laity shall vote separately by ballot; the Clergy by individuals and the Laity by Parishes. But if the result of such ballot shall shew a majority of votes in favour of placing the nomination of the Bishop in the hands of the Archbishop and Bishops of the United Church of England and Ireland, or any one or more of them, then, on such nomination taking place, it shall be final, and the person so nominated shall be considered elected. In the event, however, of the election of a Coadjutor or Suffragan Bishop, such power shall not be exercised except by permission of the Bishop, given either at the commencement or during the proceedings.

1. "That, in his absence or occurrence of a vacation, request the Province, the Clergy and laity of it so soon as

[NOTE.—What follows was struck out in 1867: "In cases where provision for the sustentation of the Bishop has been made and accepted by the Governor-General of the Province, or person administering the government thereof; and when no such provision has been made, then so soon after such provision shall have been made and accepted."—Session 1860, page 150, 155, and 180, and of 1867, page 47. The section thus amended read as follows:]

6. That the third clause of the canon on the "Election of a Bishop," be amended by omitting therefrom all that follows after the words: "to elect a successor to the See".—Session of 1867, page 47.

[NOTE.—In 1869, a provisional constitution contained, in section 33, 36, a Canon on the subject of the election of a Bishop, which was re-enacted in 1870, as sections 38—40 of the amended constitution as follows :]

7. On a vacancy in the See, the Dean, or the senior Archdeacon, or in his absence the Archdeacon next in order of seniority, or in the absence of an Archdeacon, the senior Rural Dean shall, within one week from the occurrence of such vacancy, summon a meeting of the Clergy and Lay Representatives, to be held at the expiration of twenty days from the date at which such meeting shall be summoned, to elect a successor in the See.

8. In the Election of a Bishop to a vacant See, or to a new See, the Clergy and Laity shall vote separately by ballot; the Clergy by individuals, and the Laity by parishes. A majority of votes in each order shall determine the choice, provided that two-thirds of the Clergy entitled to vote be present and vote, and that two-thirds of the parishes entitled to vote be represented and vote; otherwise two-thirds of the votes of each order shall be necessary to determine the choice.

9. Any Clergymen elected to be a Bishop, and holding at the time of such election any preferment or benefice, shall resign such preferment or benefice prior to his consecration. Session of 1870, page 99.

## CHAPTER XXIX.

### Suffragan and Coadjutor Bishop.

[NOTE.—In 1864, Archdeacon Palmer introduced the following resolution which was carried by a rising vote of the Synod :]

1. That this Synod avails itself of the opportunity afforded by the present session of again placing on record, an expression of sincere respect and affection which its members, in

common with the whole diocese, entertain for the venerable Bishop, who has so long presided over them, and a grateful acknowledgement of the services which he has rendered to the Church during his lengthened episcopate.—Session of 1864, pages 19 and 22.

[**NOTE.**—The foregoing resolution having been carried by acclamation, and the following one having been read, the Bishop addressed the Synod, and expressed his grateful acknowledgments for such kind and heartfelt expressions of love and sympathy. The second resolution which was read, but withdrawn at the request of the Bishop, was as follows: 2. “That influenced by the feeling expressed in the preceding resolution, and desirous of evincing their sincerity by more than words, this Synod declares its readiness to take immediate steps with a view to making provision for an Assistant Bishop; so that while the diocese will still continue to have the benefit of the general superintendence and mature experience of its venerated Diocesan, the heavy burthen of his duties may be lightened, and his hands strengthened by the appointment of a Coadjutor.”—Session of 1864, pages 19 and 22. On the withdrawal of this resolution, REV. DR. SHORTT proposed, “That this Synod, deeply grateful to the lord Bishop of Toronto for his long and devoted services to the Church in this Province, having the fullest confidence in his wisdom and discretion, and desiring that his proposed Coadjutor should be one with whom he could act with the fullest satisfaction and comfort, do request his lordship to nominate said Coadjutor, the Synod hereby pledging itself to confirm such nomination.” This resolution not being acceptable was withdrawn.—Session of 1864, page 22. In 1865 the subject came up before the Synod, and on motion of the Hon. J. H. Cameron the following canon, providing for the election of a Suffragan or Coadjutor Bishop, was adopted by the Synod.]

“Whereas it is necessary and desirable that provision should be made for the election of a Suffragan Bishop, whenever the circumstances of the Diocese may require such election, therefore, the Synod of the United Church of England and Ireland, of the Diocese of Toronto, as follows:

“1. Whenever the Bishop of the Diocese shall, by writing under his hand, signify to the Synod of the Diocese, through the Executive Committee thereof, that he is desirous of having a Suffragan and Coadjutor Bishop nominated by the Synod, if such signification be in time before the annual meeting of the Synod to give the usual notice thereof according to the rules of the Synod, the said Executive Committee shall give notice thereof; and that such election shall be proceeded with

at the next meeting of the Synod, immediately after the reading of the minutes of the last Synod, and before any of the business is proceeded with; and such election shall be proceeded with accordingly, under the same canons and in the same manner as in the case of the election of a Bishop of the Diocese; except that the Bishop of the Diocese, if present, shall preside at such election; and, if not present, the Synod shall be presided over as in the case of the election of a Bishop on a vacancy occurring in the See.

“2. If such signification is made as in the first section mentioned, at such time as in the opinion of the Bishop renders it desirable that a special meeting of the Synod shall be held for such election as aforesaid, the Bishop of the Diocese shall call such special session for such election, and the Executive Committee shall forthwith give notice of such special session, and shall take charge of and conduct the proceedings at such election at the special session so called as aforesaid.

“3. The Suffragan and Coadjutor Bishop so elected shall become and be the Bishop of the Diocese whenever any vacancy occurs in the See, without any further election.

“4. Before the election of any such Suffragan and Coadjutor Bishop is proceeded with, the Synod shall resolve that the election of a Suffragan and Coadjutor Bishop is desirable and necessary.

“5. When a Suffragan and Coadjutor Bishop is elected and consecrated he shall have the same powers, privileges and authorities as the Bishop of the Diocese, but shall exercise them in subordination to the Bishop of the Diocese.

6. That in the event of a special session of the Synod being called for the confirmation of the canon for the election of a Suffragan or Coadjutor Bishop, the canon for making certain alterations in the canon for the election of a Bishop, passed at this Session of the Synod, shall be offered for confirmation at such special session before the confirmation of said recited canon.—Session of 1865, pages 40-50.

NOTE.—In 1866, the Venerable Bishop read the following touching words on this subject in his address to the Synod: “And now, my brethren in approaching to a conclusion, I have to address you with more than usual solemnity of feeling upon a subject which is in a great degree personal. For some time past I have been meditating on the provisions of the Canon which was passed at the last meeting of Synod, for the election of a Coadjutor or Suffragan Bishop, which Canon is to receive confirmation at our present Session. I have been considering with much anxiety, and not, I trust, without the

invocation of the Divine guidance, how soon I ought to avail myself of the provisions of that Canon. Mingled feelings and anxieties (the deepest and strongest having reference to the welfare of our beloved Church), have affected me in contemplating the step that should be taken, in view of the intention and purport of that Canon. In regarding, then, what I deem the best interests of the Diocese and the Church at large, I feel constrained to avail myself of its provisions as soon as it is confirmed, and to request that the election of a Coadjutor Bishop be proceeded with as soon as the constitution and rules of the Synod will permit. The weight of years, and the infirmities they bring, move me to announce this decision; for although equal to some duties, still there are others of paramount importance which I am warned not again to attempt."—Session of 1866, pages 18 and 19. Subsequently the following resolution was adopted by the Synod:]

7. That the canon adopted at the last session for the appointment of a Suffragan and Coadjutor Bishop be now confirmed.—Session of 1866, page 44.

[NOTE.—On the final adoption of the canon, the Bishop addressed the following letter to the Archdeacon of Toronto, Chairman of the Executive Committee of the Synod:—**VEN. AND DEAR SIR**,—I beg to express my desire that your committee do give notice, without delay, that a special meeting of the Synod of this Diocese shall be held, for the purpose of proceeding with the election of a Coadjutor and Suffragan Bishop, at as early a period as the constitution of the Synod will allow, and that your committee do make all the necessary arrangements for the same. I have the honour to be, Ven. and dear sir, your faithful servant,

Toronto, August 9, 1866.

**JOHN TORONTO.**

The following solution was then adopted:]

8. That this Synod, having made provision for the appointment of a Coadjutor Bishop, and his lordship the Bishop having signified in writing his desire that such Coadjutor Bishop should be elected, this Synod declares that the election of such Suffragan and Coadjutor Bishop is desirable and necessary, and should be proceeded with as soon as the constitution allows.—Session of 1866, page 44.

[NOTE.—Subsequently the Executive Committee made the following announcement:]

9. The Executive Committee of the Synod of the Diocese of Toronto, having in their hands the letter of the lord Bishop desiring that a special meeting of the Synod be called for the

election of a Coadjutor and Suffragan Bishop at as early a period as the constitution will allow, and referring to the rule that one month's notice of such meeting must be given, (and referring also to the general convenience of members of the Synod,) do hereby, with the authority of the lord Bishop, announce that the said special meeting of Synod do take place on Wednesday, the 19th September next.

10. That on the day aforesaid there shall be Divine Service with Holy Communion in St. James' Cathedral, Toronto, at 10 o'clock ; and that the meeting for the appointed business, the election of a Coadjutor and Suffragan Bishop, be held in St. George's school house, at 2 P.M., on the same day.

11. Notice will be given of this meeting, by circular from the Secretaries, to all members of the Synod.—Session of 1866, page 51.

[**NOTE.**—The following resolution was also passed :]

12. That the lord Bishop be respectfully requested to provide a form of prayer, to be used in all the congregations of the Diocese, for the Divine direction and guidance in the choice of a clergyman to fill the office of Coadjutor Bishop.—*Ibid*, page 64.

[**NOTE.**—An adjourned meeting of the Synod was held on the 19—21 September, 1866, for the election of a Coadjutor Bishop, when the choice fell upon the Venerable A. N. Bethune, D. D. D.C.L., Archdeacon of Toronto, (see page 28 of this collection.) The Journal of the proceedings was prepared by S. B. Harman, Esq., Registrar of the Diocese, and Lay Secretary of the Synod for this Special Session. In 1867, his services in this matter was thus recognized by the Synod.]

13. *Resolved*, That the acknowledgments of the Synod are due, and are hereby very cordially tendered, to the Registrar of the Diocese, S. B. Harman, Esq., not only for zealous and valuable service rendered to the Church for a long series of years, but more particularly at the last meeting of the Synod, for his able assistance in drawing up the carefully considered Order of Proceedings, and system of balloting and arranging the very impressive and dignified ceremonial in the Cathedral at the election of the Coadjutor Bishop.

14. The Synod also desire to record their appreciation of the subsequent, but not less important duties, which devolved upon the Registrar in preparing and publishing the Journal

of the Synod, with the minutes and certificate of Consecration of the Bishop, forming together a most valuable series of precedents for the future use of the Church in Canada.—Session of 1867, page 42.

## CHAPTER XXX.

### Bishop's Court for the Trial of Offences.

[**NOTE.**—In 1851, the subject of Church Discipline came up incidentally in the Synod, in the following resolution :]

1. That this meeting is of opinion that for the more effectual exercise of the Discipline of the Church \* \* \* it is expedient to apply to the Crown for the establishment of a Diocesan Synod or Convocation, etc.—Session of 1851, page 12.

[**NOTE.**—In accordance with the foregoing resolution a petition was addressed to Her Majesty on the subject. In 1853 Dr. Bovell, Lay Secretary, reported, that “there had been no fruit from the application made at the last Synod, for permission from the Imperial Government to hold a Synod” (page 6). Another petition on the same subject was agreed to, praying among other things, for power to enact “such Canons as are essential to proper discipline,” etc, (pages 9 and 13).

[**NOTE.**—In the Declaration drawn up by the Bishop and adopted by the Synod on the 26th of October, 1854, the following passage occurs, under the head of “Subjects for Synodical action.”]

2. To provide for the proper exercise of ecclesiastical discipline, in regard to both Clergy and Laity.—Session of 1854, page 19.

**NOTE.**—In 1856 a draft of bill, to be submitted by petition of the Provincial Legislature, was adopted, which contained the following sentences: “Whereas doubts exist whether the members of the United Church of England and Ireland in this Province, have the power of regulating the affairs of their Church in matters relating to Discipline, and necessary to order and good Government, etc.,” be it enacted :]

3. That the Bishop, Clergy and Laity \* \* \* may meet in their several Dioceses \* \* \* making regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation, or removal of any person bearing office therein, of whatever order and degree, etc.—Session of 1856, page 18.

[NOTE.—This bill was passed and reported to the Synod in 1857, page 13. During the same Session, on motion of Rev. Dr. Beaven, it was ordered that a committee be appointed to examine into the existing English Canons "and the laws of the United Kingdom applicable thereto."]

4. To report on such canons \* \* \* and laws as appear to be in force at present, or may be desirable to be enacted, or rules of order or discipline in this Diocese.—Session of 1857, pages 18 and 22.

[NOTE.—In 1858, the Committee reported the English Canons at length, with such alteration as was deemed necessary. Chapter viii, of the report relates to a "Diocesan Court," and to the "Trial of Clergymen," as well as the Imperial Acts "affecting the Colonies," pages 34 and 40. The report was ordered to "be printed and distributed, with a view to its being "brought up again at the Autumn Session," (page 66.) In the Autumn it was directed,]

5. That the report be referred back to the Committee together with a letter of the Rev. D. E. Blake, in reference thereto, and that Hon. J. H. Cameron be added to the Committee, and that they be empowered to call to their aid such legal advice as they can obtain.—Session of 1859, page 137.

[NOTE.—In 1859, the Committee reported, among other things, that they find,]

6. That by virtue of the Royal Prerogative exercised in granting the letters patent to the lord Bishop of Toronto & his successors, (which they are advised has full legal force in this matter), the Bishop of Toronto received authority to exercise jurisdiction within his Diocese over all persons in Holy Orders of the Church of England; to call them to account for offences concerning their morals or their behaviour in their office or station, and to remove, deprive, or suspend them, or inflict on them any other such ecclesiastical censure or correction as they may be liable to, according to the canons and laws ecclesiastical of that Church.

7. That they are advised that it is extremely difficult to decide what portion of the ecclesiastical laws of England is or is not in force in this Colony; but it may be stated that the canons of 1603 are at present in force in regard to the Clergy; but not in regard to the Laity, except so far as they embody \* \* \* or contain ancient canons having the common law; and that the powers recited in the foregoing clauses are confined to the exercise of jurisdiction over the Clergy only.

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8. This being the state of things before the passing of the Synod Act, by that Act the Synod is empowered to make regulations for enforcing discipline in the Church \* \* \* And the Committee is advised that the Synod by this Act is empowered to make any alterations in the canons previously in force in regard to the Clergy, for carrying out the powers above recited; and with the same ends to make new canons applicable to both Clergy and Laity \* \* \* and that its canons so far as legally adopted, will be recognized and supported by the civil courts. \* \* \* \* \*

9. They therefore recommend that the Bishop be requested at an early day to erect his own Court under his Patent; and that as the exercise of discipline may be required in regard to the Laity as well as the Clergy, the Synod should formally recognize the Bishop's Court as that which should exercise jurisdiction over both Clergy and Laity; and as it is requisite that the Bishop's Court should have some rules to govern it, (and it is doubtful whether the English Statutes on that subject are in force in this country) they further recommend that the English Church Discipline Act, 3 and 4 Vict., ch. 87, so far as its provisions are applicable to the circumstances of this country, should be adopted for the guidance of the Court in reference to the Clergy.—Session of 1859, pages 30-32.

[**NOTE.**—In accordance with the recommendations in this report the Synod adopted the following resolutions:]

10. That the Bishop be requested to erect his Court, under the authority conferred by his Patent, at an early day.—Session of 1859, pages 32 and 90.

11. That the Synod declares the Bishop's Court to be the Court for the trial of all offences of the Laity as well as of the Clergy, against the provisions of the Act constituting the Synod, or against any of the rules, regulations or canons passed by the Synod.—*Ibid.*

12. That the Synod adopt the Imperial Statute 3 and 4 Vic., sec. 87, commonly called The Church Discipline Act, with the exception of the 24th section of that Act, as the rule for guidance in the administration of the Bishop's Court in reference to the Clergy, so far as the same may be applicable to the circumstances of this Diocese.—*Ibid.* (See section 14, on the next page.)

[**NOTE.**—The Church Discipline Act is published in the appendix to the report of 1859, pages 105-118, and will be published in the Appendix to this collection. In 1860 the following resolution was passed:]

13. That the canon for the erection of the Bishop's Court, and the introduction of the Church Discipline Act, as adopted at the last meeting of Synod be confirmed.—Session of 1860, page 78.

[**NOTE.**—In 1861 the canon on this subject was amended as follows:]

14. That so much of the canon of Synod, introducing the English Church Discipline Act as relates to the 24th section of that Act, be repealed, and that the Bishop of the Diocese shall exercise all the powers conferred by this Act, notwithstanding that he may be the patron of any preferment which may be affected by any proceedings taken under this Act.—Session of 1861, page 278.

[**NOTE.**—In 1862, 1863 and 1864 the following resolutions were passed on this subject:]

15. That a committee be appointed to consider the best constitution for the trial of offenders under the Church Discipline Act.—Session of 1862, page 37. Committee continued. Session of 1863, page 18.

16. That the committee be re-appointed to consider the constitution of the Court of Discipline, with a view to such amendments as may be deemed advisable, and to report to the Synod at its next sitting.—Session of 1864, pages 25 and 31.

[**NOTE.**—No report was presented by this Committee in 1865, nor was the Committee itself reappointed; but in 1866 the following resolution was passed:]

17. That the following Committee be appointed to consider the Constitution of a Court of Discipline, with a view to such amendment as may be deemed advisable, and to report at the next Synod.—Session of 1866, page 63.

[**NOTE.**—This Committee did not report in 1867, nor was the Committee reappointed; but a resolution was passed relating to the Burial Service as follows:]

18. That the Synod do respectfully request the Lord Bishop of the Diocese to appoint a Committee to prepare a memorial to the Provincial Synod on the subject of Discipline, with a view to the removal or abatement of the difficulties under which the Clergy at present lie, in respect of the use of the Service for the Burial of the Dead. Such memorial to be reported to Synod at its next session.—Session of 1867, page 64.

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[**NOTE.**—This Committee reported the Memorial at the following Session (1868), which was presented to the Provincial Synod held that year.—(Proceedings, pages 10 and 11.) From this Memorial we make the following extract: “That your memorialists are of opinion that their object (as stated in the foregoing resolution) may be effected by one of two courses; either by such a revival of discipline as may bring notorious and scandalous offenders, whether against faith or morals, under open ~~sentence~~ of excommunication: or, if this should be found to be impracticable, by the enacting of a canon under which the use of the Burial Service shall be prohibited in the instance of such offenders, as would, if excommunication were now inflicted, be undoubted objects of its sentence.” This memorial will be referred to in another chapter, as the subject is only incidental to that of the Bishop's Court. In the same year (1868) the subject of a Bishop's Court was brought up in the following resolution :]

19. That instead of the reappointment of a Committee on the Bishop's Court, the whole question be referred to the Provincial Synod.—Session of 1868, page 65.

[**NOTE.**—The matter does not appear to have been brought before the Provincial Synod, which was held that year, (owing doubtless to the prolonged debates that session on “Ritualistic Practices.”) The Provincial Synod had, however, in 1862 adopted a canon establishing a “Court of Appeal” against the decision of a Bishop's Diocesan Court, and has also petitioned the Legislature to pass an Act “to enforce the attendance of witnesses” before such courts.—(Proceedings of Provincial Synod, pages 45 and 78.) In 1869 the matter appears to have been reconsidered by the Toronto Synod, as the following resolution would indicate :]

20. That a Committee composed of three Clergymen, and three Lay-Delegates be appointed to draft rules and regulations for the government of the Bishop's Court for the trial of offences; such Committee to report on Friday.—Session of 1869, pages 72 and 73.

[**NOTE.**—The Committee did not report on Friday, or during the session; and in 1870 the Chairman of the Committee reported that as no meetings of the Committee had been held, no report had been prepared—page 39. The Committee was not reappointed. In 1871 the Provincial Synod passed “certain canons on Discipline” relating to “Ministering in Parishes and Dioceses,” to “Letters Testimonial,” and to “the officiating of strange clergymen in a Diocese.”—(Pages 100 and 101 Provincial Synod Proceedings.) These canons will be found in the appendix to this collection.]

## CHAPTER XXXI.

**Canons on Ecclesiastical Law.**

[**NOTE.**—The subject of Ecclesiastical law seems to have been first brought before the Synod by Rev. Canon Beaven, who, in 1856, moved the following resolution, which was adopted by the Synod:]

1. That a Committee be appointed to examine what part of the ecclesiastical law of England, and of the Church in Scotland and the United States, in communion with the Church of England, is applicable to this portion of the Church; to advise such additions as may be required by the circumstances of this country, and to report to the next meeting of the Synod a body of Canons corresponding with the results at which they may arrive.—Session of 1856, page 31.

[**NOTE.**—The Committee appointed did not report in either 1856 or 1857, but in the latter year another resolution, to the following effect was adopted by the Synod:]

2. That a Committee be appointed for examining into the existing Canons of the United Church of England and Ireland, and the laws of the United Kingdom applicable thereto; and to report on such Canons as, with or without change, it may be desirable that the Synod should declare to be in full force in this Diocese, and on such laws as appear to be in force at present, or may be desirable to be made as rules of order or discipline in the Diocese.—Session of 1857, pages 17, 23.

[**NOTE.**—No report on the subject was presented by the Committee in 1857. In 1858 an elaborate report was laid before the Synod at the Toronto meeting.—(See pages 17-40.) The Canon on the Queen's Supremacy was alone adopted, and the consideration of the remaining canons was postponed until the Autumn Session, as indicated in the following resolution:]

3. That the “Canon on the Queen's Supremacy” be adopted, and that the report be printed and distributed with as little delay as possible, and brought up against the Autumn Session.—Session of 1858, pages 18, and 66.

[**NOTE.**—At the Autumn Session of the Synod, held at Kingston in September, the following resolution was passed:]

4. That the report of the Committee on Canons be referred back to the Committee, together with the letter of the Rev. D. E. Blake in reference thereto, and that the Hon. John Hillyard Cameron be added to the Committee, and that they be empowered to call to their aid such legal advice as they can obtain.—Session of 1858, page 137.

[NOTE.—In 1869 the Committee brought in another report on the subject, which was adopted.—(See pages 29—33, and 90.) In 1860, when the Canons adopted the previous year came up for confirmation, the following report of the Committee on the subject was adopted.]

5. The Committee on Canons beg to report, that in view of the probability of the meeting of a Provincial Synod of Canada, they deem it advisable not to bring forward for discussion, on the present occasion, any portion of the collection of Canons made by them, but to await the action of that body.—Session of 1860, pages 151 and 181.

[NOTE.—The first session of the Provincial Synod met at Montreal 1861, but the subject of "Ecclesiastical Law" was not brought before it. At second meeting in 1862, however, a motion was made "To request the Upper House to concur in the appointment of a Committee to revise the English canons, with a view of adapting them to our circumstances in this colony." In amendment it was moved and carried: "That the subject of the canons be referred to a Select Committee to prepare canons to be submitted to the consideration of Synod at its next Session; the said Committee to consist of two members from each Diocese in the Province."—Proceedings of 1862, page 38. At a third meeting of the Provincial Synod, in 1865, the Committee reported a selection of canons from the "Constitutions and Canons Ecclesiastical," enacted in the year 1603, and asked leave to sit again.—Report of Proceedings, pages 10 and 41-47. A motion was carried relating to the observance by the clergy of "the rubrics appended to the Church Catechism," and a canon was passed on the subject requiring that "god-fathers and god-mothers (as far as may be) shall be communicants of the Church."—Proceedings, pages 12, 13, 64. At the meeting of the Toronto Diocesan Synod in 1867 a Committee was, on motion of Rev. Mr. Darling, appointed to prepare a memorial to the Provincial Synod on Ecclesiastical Law.—Session of 1868, pages 6 and 25. At the fourth meeting of the Provincial Synod, in 1868, the Committee on English canons, etc., reported progress, and asked "leave to sit again."—Proceedings of 1868, page 79. At the Toronto Synod, in 1868, a memorial to the Provincial Synod on "Ecclesiastical Law" was adopted, pointing out that the Church of England in this country "is not subject to the code of ecclesiastical law which prevails in the mother country," nor has she, at

like "the Church in the United States of America," a fully developed system of canonical enactment, and pressing upon the Provincial Synod "the great necessity which exists for laying down, with all possible distinctness, the canons which are necessary to regulate the action of the Church throughout this great ecclesiastical Province." —Session of 1868, pages 28-30 and 66. This memorial was laid before the Provincial Synod in 1871, and referred to a committee, but no report was presented to the Synod on the subject. Proceedings of 1871, pages 12, 30 and 122.]

## CHAPTER XXXII.

### Status of the Clergy.

[NOTE.—In 1866, on motion of the Rev. Mr. Darling, the following resolution was passed :]

1. That the present direction of popular and synodical action, tending as it does to undue curtailment of the prerogatives of episcopate, and its exposure to unhealthy influence, combined with the fact, that (according to the statement of the law officers of the crown, contained in their communication to the Duke of Newcastle, as set forth in the despatches laid before the Provincial Synod, in the year 1862,) the Bishops in these colonies have the power of withdrawing the licenses of the unbeneficed Clergy at will, this Synod shall, by memorial to the Metropolitan or otherwise, take such steps, and enact such canons as shall enable the Provincial Synod at its next meeting to consider and enact such canons, as may for the future determine the *status* of the said Clergy in this Province; and that a committee be appointed by the Bishop for the purpose of giving effect to this resolution, and to report to the next annual meeting of the Synod.—Session of 1866, page 47.

[NOTE.—No report was presented in 1867, but the Committee was appointed. In 1868, the Committee reported a memorial on Ecclesiastical Law, (pages, 28-30), which was adopted, (page 66), but which was not presented to the Provincial Synod until 1871. See chapter on "Ecclesiastical Law." In 1868, the following resolution was passed :]

2. That the consideration of this motion for a Committee to ascertain and report upon the present *status* of the Clergy in this Diocese, and in connexion therewith to consider and

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[NOTE.—The Committee on Patronage reported in 1870, but did not include in their report any reference to the foregoing resolution. The following notice of motion was made: "That a Committee be appointed to report upon the present status of the Clergy in this Diocese, and in connection therewith to consider and report upon the following points, viz: The present extent of the authority of the Bishop to appoint or remove a Clergyman to or from his Incumbency or Mission, with or without his consent, or of his Congregation, and the proceedings necessary to be taken in reference to such appointment or removal."—Session of 1870, page 78. Nothing was done in 1871, but in the Provincial Synod the following resolution, moved by Hon. Chief Justice Draper, was concurred in:]

3. That it be referred to a Committee of Five Members, to be nominated by the Venerable the Prolocutor, to consider and report upon the present legal *status* of the Church and its Clergy, as defined and recognized in Imperial or Provincial Acts, in the Provinces formerly known as Upper and Lower Canada. Committee named by the Prolocutor: Hon. Chief Justice Draper, (chairman), Mr. Chancellor Bethune, Mr. Chancellor Henderson, Judge Wilson, (Simcoe), and Mr. G. O'Kill Stuart. Journal of Provincial Synod, 1871, pages 57, 62.

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## CHAPTER XXXIII.

*Discrepancies in the Celebration of Divine Service.*

[NOTE.—In his primary charge of 1841, the late Bishop called the attention of his Clergy to “the propriety of a strict observance of the Rubries,” for, said he, “were the slightest deviation allowed, the beautiful unity and order of the service would be marred, and, instead of our congregations, in every part of the world worshipping in the same words, with one mouth and voice, this sublime harmony would be broken and destroyed.” He then proceeds to enlarge on the subject, giving suitable advice on many points connected with the mode of celebrating Divine Services, etc.—(Pages 19-24.) In his Triennial charge, delivered in 1844, the Bishop enters at length into the subject of the “Public Service,” and “the proper conducting of Divine Service, Preaching,” etc.—(Pages 24-36.) In his Visitation of 1847, the Bishop speaks, “in regard to the disputes which at present trouble a few sections of the Church, as to certain diversities in the celebration of Divine Worship.” \* \* \* “And it must be allowed that cases may occur, which would render the enforcement of a particular Rubric very hurtful to those whose edification we are striving to promote. At the same time, I am decidedly of opinion, that if a complete uniformity in the observance of the Rubric could be obtained, through a legitimate authority, it is much to be desired; but while such authority is wanting, nothing should be tried but kind and affectionate persuasion, and if these fail, the matter should be left in abeyance till a seasonable opportunity arrives. With honest and discreet persuasion much may be done, when the point is judged of importance; but this persuasion should precede the change, and then the return to the Rubrics will produce no inconvenience. \* \* \* It would surely be a poor, though a most costly triumph, (says the amiable Bishop of Madras,) to revive an obsolete usage at the expense of an immortal soul; \* \* \* when the secrets of all hearts shall be disclosed, many such a sad history may be published before men and angels,” etc.—(Pages 25, 26.) In his next charge, delivered in 1851, the Bishop slightly referred to the “Public Ministrations of the Church,” which, he said, should “be carefully and decently performed.”—(Pages 38, 39.) In his charge of 1853, the Bishop gave some valuable counsel on the two topics of “Public Worship, and Preaching,” pointing out the proper characteristics of each.—(Pages 31-35.) From 1853 to 1856 the matter did not come before the Synod; and in the latter year only incidentally, when a motion in reference to “Ecclesiastical Law” was adopted.—(See preceding chapter.) In 1858 the general subject was taken up by the Synod, and the following resolution passed:]

1. That the lord Bishop of the Diocese be respectfully requested to appoint a committee to consider the discrepancies that prevail in the celebration of Divine Service in this diocese, and to suggest some mode of securing greater uniformity therein.—Session of 1858, at Kingston, page 141.

[**NOTE.**—This committee brought in a very full report on the discrepancies in the celebration of Divine Worship in 1859, (pages 34—42 of Proceedings.) Some discussion having arisen on the matter, the following resolution was passed:]

2. That the committee on discrepancies in the celebration of Divine Worship be allowed to sit again, with a view to the reception and consideration of suggestions on the subject; and that such suggestions be sent in before the 1st of August.—Session of 1859, page 96.

[**NOTE.**—In 1860, a fuller report on the subject was laid before the Synod, (pages 156—165 of Proceedings.) It was read, and “ordered to lie on the table” (page 189 of Proceedings.)

[**NOTE.**—The subject was not brought up again in the Toronto Diocesan Synod; but at the second Session of the Provincial Synod, at Montreal, in 1862, on motion of Ven. Archdeacon Fuller, the Lower House requested “their lordships, the Upper House, to take such steps as their wisdom may suggest to remove the discrepancies existing in the manner of performing Divine Service in the Province,” (Proceedings of Provincial Synod, 1862, pages 36). In response to this request the Upper House requested a conference with the Lower House, (page 42). The conference having been held, the Metropolitan informed the Lower House that the Bishops would “give the subject their best consideration, and take such steps as shall seem to them most advisable to produce greater uniformity of practice,” pages 51 and 67. Nothing further appears to have been done in regard to the matter, but in 1865, the following resolution was passed by the Toronto Synod.]

3. That whereas his lordship the Bishop of the Diocese did, at the request of the Synod in its Session of 1858, appoint a committee “to consider the discrepancies that prevail in the celebration of Divine Service in this Diocese;” and whereas the said committee have twice reported them, first in the Session of 1859, and again in the Session of 1860,—since which time no action has been taken; and whereas delay in the adjustment of matters connected with the Church is at all times detrimental to the Church at large, which is particularly affected by this question, it is desirable that this matter be re-

ferred to the Provincial Synod at the approaching Session, for their consideration ; and that the delegates from this Synod do move this subject at the earliest moment.—Session of 1865, page 56.

[**NOTE.**—The matter was not, however, brought before the Provincial Synod which met that year, 1865, in Montreal. The subject came up, however, incidentally in the Toronto Synod in another form in 1867, when a “ Canon on Vestments ” was submitted to the Synod, pages 48, 51. An amendment was moved and adopted, page 53, but subsequently withdrawn (page 56), in favour of the following.]

4. That this Synod most strongly disapproves of the innovations in Ritual which have been condemned by the Convocations of Canterbury and York ; and doubts having been raised as to the competency of this Synod to deal with the question by canon, the lord Bishop of the Diocese be requested to appoint a Committee, consisting of four Clergymen and four Laymen, to draft a Memorial on the subject of Ritual to the Provincial Synod, to be reported upon at the present Session ; and that it be an instruction to such Committee in that Memorial to condemn the innovations above adverted to in the plainest language ; and, pending the action of the Provincial Synod in the matter, this Synod deprecates, in the strongest terms, any attempt on the part of any of our Clergy to introduce them into this Diocese.—Session of 1867, page 56.

[**NOTE.**—The memorial was subsequently adopted as follows :]

5. That your Memorialists, deeply grieved by the innovations in Ritual that are prevailing in some churches in the Mother Country, and justly alarmed lest these innovations should extend to the Church in this Province, have had under their consideration during their present Session the best and most effectual manner of dealing with this growing evil, and, doubtful of their own power as a Diocesan Synod effectually to check the introduction of these extreme practices, they have resolved to invoke the aid of the Provincial Synod to assist them in preserving the pure and simple service and worship in our churches, that have had the sanction of the Church for three hundred years ; and with that view they pray that the Provincial Synod will adopt such measures as will guard against those innovations which have been condemned by the Convocations of Canterbury and York, namely, the wearing of the chasuble, alb, cope, and tunicle, the use of altar lights, incense, wafer bread, the elevation of the elements after conse-

eration, and the encouragement of non-communicants to remain during the celebration of the Holy Communion.—Session of 1867, pages 57 and 58.

[NOTE.—Subsequently the following resolution was adopted.]

6. That the memorial of this House to the Provincial Synod against the excess of Ritual complained of, be printed and circulated among the members of the Synod, with a view to the allaying of the anxiety which has so generally been expressed throughout the Diocese in reference to this important subject.—*Ibid*, page 68.

[NOTE.—The memorial was duly presented to the Provincial Synod, and the whole subject fully discussed there. The following resolutions were finally passed by both houses of that Synod.]

7. It is resolved by this Synod that the elevation of the elements during the celebration of Holy Communion, the use of incense during Divine Service, and the mixing of water with the sacramental wine, be hereby forbidden in this ecclesiastical Province. And whereas the Rubric at the end of the Communion office enacts that it shall suffice that the bread shall be "such as is usual to be eaten," the use of wafer bread is hereby forbidden. And this Synod would express their disapprobation of the use of lights on the Lord's Table; and vestments, except the surplice, stole or scarf, and hood, in saying the public prayers, or ministering the sacraments or other rites of the Church, and their determination to prevent, by every lawful means, their introduction into the Church of this Province.—Proceedings of Provincial Synod, 1868, pages 57, 67 and 70.

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## CHAPTER XXXIV.

### Omissions of Parts, and Divisions, of the Liturgy.

[NOTE.—In the "Declaration of the Bishops of British North America," at their Quebec Conference, in 1851, the following occurs.]

We are of opinion that the Bishop, as ordinary, may authorize the division of the Morning Service, by the use of the Morning Prayer, Litany, or Communion Service, separately,

as may be required; but that no private Clergyman has authority, at his own discretion, to abridge or alter the Services or Offices, or to change the Lessons of the Church.

[**NOTE.**—In accordance with this portion of the "Declaration" a motion was made by Dr. Hodgins in 1865, "to appoint a Committee to confer with the Bishop on the division of the Morning Service by the use of the Morning Prayer, Litany or Communion Service," as authorized in the Declaration of the Bishops of British North America, at their Quebec Conference in 1851, so that it should not be obligatory upon the officiating minister to use more than two out of the three forms named at the Morning Service, except at his discretion." The motion was not pressed, as the Bishop stated, that, upon proper application being made to him, he was prepared to authorize the division being made.

In 1865 Rev. Provost Whitaker moved in the Provincial Synod, "that with a view of affording increased facilities for attendance on Divine Worship of persons of tender years, and in consideration of the aged and infirm, it is advisable to recognize the fitness, when the circumstances of any congregation require it, of saying Morning Prayer, followed by the Litany, at an earlier hour than is customary, and of using after such interval, as may be found convenient, the office for the celebration of the Holy Communion as a separate service." The motion was, however, lost. (Proceedings of Provincial Synod, 1865, page 51.

In 1870, a proposition was made by the Canon Baldwin, in the Toronto Synod, to omit certain portions of the Litany, and the following motion was made on the subject: "That this Synod do respectfully petition the Provincial Synod to omit certain portions of the Litany, as they recur in the course of Divine Service, or that it may not be compulsory to repeat the same prayer twice, or to make more than one solemn Declaration of Faith at any one service." Page 43. In amendment, it was moved by Rev. Provost Whitaker, and carried:]

1. That is expedient not to desire any authority for omitting or changing any portion of the ordinary service of the Church at any regular service.—Session of 1870, page 43.

[**NOTE.**—The following resolution was also proposed by Ven. Archdeacon Fuller, but was not pressed: "That it is expedient that the clergy of this Diocese should be authorized, in certain cases, to divide the services of the Church, under regulations to be laid down by the Lord Bishop, until action shall be taken thereon by the Provincial Synod."]

## CHAPTER XXXV.

*The New Lectionary.*

[NOTE.—At the Session of the Provincial Synod in 1871, the Metropolitan sent down the following message to the Lower House: "The Metropolitan informs the Prolocutor that the accompanying resolution has been adopted by the House of Bishops,"]

1. That the Lectionary recently adopted by the Convocation of Canterbury, enacted by the Imperial Parliament, and which has received the Royal Assent, be accepted as the Lectionary of this Province, and come into use January, 1872, after which date the old Lectionary shall not be used in any Church or Chapel in this Province.—Proceedings of Provincial Synod, 1871, page 27.

[NOTE.—In the Lower House a motion was passed, as follows:

2. That this House concurs in the resolution of the Upper House in reference to the Lectionary.—Ibid, page 44.

[NOTE.—Towards the close of the year 1871, the Bishop of Toronto issued a pastoral, giving notice to his Clergy that, in accordance with the decision of the Provincial Synod, the new Lectionary would be used in his Diocese on and after the 1st of January, 1872.]

## CHAPTER XXXVI.

*Omissions in the Burial Service.*

[NOTE.—In 1867, the following resolution relating to the Burial Service was adopted, on motion of Rev. Provost Whitaker:]

1. That the Synod do respectfully request the lord Bishop of the Diocese to appoint a Committee to prepare a memorial to the Provincial Synod on the subject of discipline, with a view to the removal or abatement of the difficulties under which the clergy at present lie, in respect to the use of the service for the Burial of the Dead. Such memorial to be reported to the Synod at its next Session.—Session of 1867, page 64.

[NOTE.—In 1868, the memorial was laid before the Synod, and adopted as follows:]

That your memorialists, in common with very many members of the United Church of England and Ireland, are painfully sensible of the violence not unfrequently done to the conscience of the Clergy, as well as of the scandal occasioned to others, by the use of the 'Service for the Burial of the Dead,' in instances in which its terms are manifestly inapplicable. That they conceive that no remedy for this evil is to be found in the exercise of discretionary discipline by individual clergymen. That, independently of the consideration that the introduction of any Liturgical change would be at variance with the principles avowed in the declaration of the Provincial Synod; your memorialists would earnestly deprecate any modification in the language of the Burial Service; language which, as they conceive, is most admirably fitted to express that Christian hope which it is ordinarily our duty to cherish, and to convey that consolation, which is not only most welcome, but also most salutary, to Christian mourners. That they would rather seek to remove or abate the evil of which they speak, by giving full effect to the rubric prefixed to the Burial Service; a rubric which, in the opinion of your memorialists, gives plain intimation of the design of the Church in respect of the use of that service; the practical difficulty arising altogether from the fact, that in consequence of the neglect of discipline, the office is used in cases in which the Church designed that it should be withheld, inasmuch as there are none "who die excommunicate." That your memorialists are of opinion that their object may be effected by one of two courses; either by such a revival of discipline as may bring notorious and scandalous offenders, whether against faith or morals, under such sentence of excommunication; or, if this should be found to be impracticable, by the enacting of a canon under which the use of the Burial Service should be prohibited in the instance of such offenders, as would, if excommunication were now inflicted, be undoubted objects of its sentence. That your memorialists are sensible of an objection which may be raised, that, under such a Canon, as that above mentioned, the individual Clergy will be left, to a dangerous degree, judges of individual cases. They conceive that, in the absence of a sentence pronounced by an ecclesiastical court, this objection cannot be wholly obviated; they would however suggest that its force may be abated, by providing that the offences which shall exclude from Christian

burial shall be defined in the Canon with all possible accuracy, and also that in every instance in which a Clergyman shall withhold the use of the Burial Service under this Canon, he shall be bound forthwith to report the case to the Bishop, with the grounds of his refusal.—Session of 1868, pages 32—34, and 49.

[**NOTE.**—The memorial was presented to the Provincial Synod in 1868, and entered on its minutes, but nothing further was done on the subject in either Synod.]

## CHAPTER XXXVII.

### *Solemnization of Matrimony.*

[**NOTE.**—In the Declaration of the British North American Bishops, at a conference held at Quebec, in September, 1851, the following opinion is expressed:]

1. We hold that a Clergyman knowingly celebrating marriage between persons who are related to each other within the prohibited degrees, set forth in a table of degrees, published by our Church in the year of our Lord God, 1563, is acting in violation of the laws of God and of the Church, and is liable to censure and punishment; and that persons who contract such marriages should not be admitted to the Holy Communion, except upon repentance and putting away their sin. And we recommend that the aforesaid “Table of Prohibited Degrees” should be put up in every Church in our Dioceses. We are further of opinion that injustice is done our Church in withholding from our Bishops the power of granting Marriage Licenses which is exercised by the Bishops of the Roman Catholic Church: and that in several Dioceses great irregularities, and grievous evils prevail in consequence of the defective state of the Marriage Law. We also hold that the Clergy of our Church should abstain from celebrating a marriage between persons, both of whom professedly belong to another communion, except in cases where the services of no other Minister can be procured.

[**NOTE.**—In his charge delivered in June, 1866, the Bishop referred “to the alteration which has already been made at home in the law of marriage, and to the attempts that are making to legalize marriage with a deceased wife’s sister,” and called attention to the bill “introduced by Hon. James Morris, during the [then] last Session of Parliament,” on this

subject. He also referred to the law of divorce, which had "been passed in England, contrary to the strenuous opposition of the Church, and is now in operation," "the evils of its working," he stated, "are already so manifest as to alarm its promoters, and fill them with apprehension as to its future results." He then proceeds to discuss the indissolubility of marriage, as held by the Church of England. (Charge of 1860, pages 26—29.) The subject did not further engage the attention of the Synod until 1867, when it was brought up in the following resolution: "That the opinion of an Ecclesiastical Lawyer be obtained, whether the Bishop of the Diocese has not the power vested in him, by virtue of his office, to issue to a Clergyman of his Diocese a license, or faculty to celebrate a marriage between parties without the previous publication of banns, and if the reply to such query be in the affirmative, to enquire what further steps he would advise the Bishop to take in order to issue such license or faculty, in accordance with the discipline of the Church and the laws of the realm." Subsequently the following resolution was passed:]

2. That the consideration of the foregoing motion be deferred till the decision of the Court of Chancery, in the case of the Roman Catholic Bishop Lynch, celebrating the marriage ceremony on his own authority, be made known.—Session of 1867, page 63.

[NOTE.—In his address to the Synod in 1869 the Bishop thus referred to the question of the Solemnization of Matrimony: "I may here refer more particularly to the solemnization of marriage,—that it should have that publicity as well as sacredness connected with it, which would best promote the happiness of those specially interested, and best guard the moral welfare of society. There are, as we know, lax opinions prevailing upon subjects of the most solemn moment, which are seriously unsettling religious convictions and impairing the strictness of moral practice; and that loose and reckless sentiments are increasing in regard to the sacredness of Christian marriage, the frequent recurrence of divorces, especially in the neighbouring republic, too sadly testifies. The laws of a country may be, in a large degree, responsible for this; but, no doubt, much of it is traceable to the irreligious and mere worldly view in which this solemn ordinance is often regarded. It would, amongst ourselves, prove a safe-guard against this demoralizing custom, now of so wide a prevalence, if care were taken that marriages should never be solemnized at unseasonable hours, and never in any other place than in a building specially dedicated to Almighty God. It will, I trust, be adopted as a peremptory rule in all our dioceses that this public and solemn celebration of a service so important should be uniformly insisted upon, and I am not without hope that other religious bodies will take the same view of the subject; and I feel a confidence that it only needs something like a unanimous expression of their opinion

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to induce the Legislature of the Dominion to require that, unless in special instances that might be provided for, no marriage should be solemnized except at seasonable hours, and in a place of public worship.” (Session of 1869, pages 23, 24.) At the next Session of the Synod, the following resolution was passed, in accordance with the foregoing suggestion of the Bishop:—

3. That this Synod, with a view to maintaining in due honor and veneration the Ordinance of Holy Matrimony as a sacred rite of the Christian Church, express it as their solemn conviction that it is desirable that marriages may not be solemnized except in Churches, nor between parties who are either one or both unbaptised.—Session of 1870, page 67.

[**NOTE.**—The following resolution was also proposed by Rev. Canon Beaven, but afterwards withdrawn:—“That this Synod do affirm its deliberate conviction that no Clergyman of our Church is justified in celebrating marriage between persons standing within the Prohibited Degrees of consanguinity or affinity. And that it do request the lord Bishop to appoint a committee to report on the course which should be adopted in respect of persons, members of our communion, who have contracted a marriage of this description.” The following amendment having been proposed, the mover and seconder of the original motion withdrew it: “That as there is great uncertainty felt among members of our communion in this country on the subject involved in Canon Beaven’s resolution, the Synod would appoint a committee of five members to inquire fully into the matter, and report at its next meeting; the committee to consist of the Rev. Canon Beaven, the Rev. the Provost of Trinity College, Ven. Archdeacon Fuller, Rev. Canon Baldwin, and the Hon. J. H. Cameron.” After some discussion, the mover, with the concurrence of the seconder, withdrew his motion, and gave notice that he would move its adoption at the next meeting of the Synod, as follows: “That this Synod do affirm its deliberate conviction that no Clergyman of our Church is justified in celebrating marriage between persons standing within the Prohibited Degrees of consanguinity or affinity.”—*Ibid*, pages 77, 78. The following resolution was passed:—

4. That a Committee be appointed to enquire into the grievance that affects all Protestant bodies in this Province, inasmuch as Romanists have certain advantages over them in reference to the all-important matter of the Celebration of Matrimony.—Session of 1870, pages 78, 79.

[**NOTE.**—This Committee was appointed, but no report was presented by it to the Synod on the subject. In 1871 the following resolution on the same subject was passed:—

5. That the lord Bishop be requested to nominate a Committee (of legal gentlemen) to enquire into the disabilities under

which the Church in this Diocese labours in not being able to issue Marriage Licenses to her members—a privilege enjoyed by a leading denomination of Christians in this Province, and that such Committee, with the co-operation of his lordship, be authorized to take the necessary measures to seek redress for this grievance.—Session of 1871, page 58.

[NOTE.—The Bishop appointed the Committee as requested, in pursuance of the resolution. The following resolution was also proposed:—“ That no Clergyman shall solemnize Matrimony in any case where there is a divorced wife or husband of either party still living; but this canon shall not be held to apply to the innocent party in a divorce for cause of adultery.”— Moved in amendment and carried.]

6. That the resolution be referred to the Committee on Marriage Licenses with instructions to obtain legal opinion, and to report to the lord Bishop.

[NOTE.—At the same Session of the Synod (1871) the subject of Marriage with a Deceased Wife’s Sister was brought up by the Rev. Canon Beaven, in the following resolution :]

7. That this Synod do affirm its deliberate conviction that no Clergyman of our Church is justified in celebrating Marriage between persons standing within the Prohibited Degrees of consanguinity or affinity.—Session of 1871, page 34.

[NOTE.—To this motion it was moved in amendment, “ That as great uncertainty is felt among members of our communion in this country on the subject involved in Canon Beaven’s resolution, it is expedient to appoint a committee of six members to enquire fully into the matter, and to report at the next meeting of the Synod: the committee to consist of the Rev. Canon Beaven, Ven. Archdeacon of Niagara, the Rev. Canon Baldwin, the Provost of Trinity College, the Hon. J. H. Cameron, and S. H. Blake, Esq.—*Lost*. The original motion was then put and carried.—*Ibid*, pages 34, 35. Subsequently the following resolution, as a rider to Canon Beaven’s motion, was carried :]

8. That the Synod of the Diocese of Toronto respectfully requests the Provincial Synod to take measures to effectually restrain the Clergy of this Province from celebrating Marriages between persons within the prohibited degrees of consanguinity and affinity, as defined by the United Church of England and Ireland.—*Ibid*, page 37.

[NOTE.—This resolution was communicated to the Provincial Synod by the Honorary Secretaries, and that Synod appointed a committee to report upon the matter. The committee brought in a report on the subject, which did not, however, come up for confirmation, owing to want of time.—Journal of Provincial Synod, 1871, pages 20, 21, 52, 53, 128, 129.

[NOTE.—In 1872, the Committee appointed in the preceding year brought in a report on the two subjects referred to it. As the report is chiefly historical, we insert it as follows :

1.—MARRIAGE LICENSES.

Of the two subjects assigned to your Committee, on which to make inquiries, the first related to "the disabilities under which the Church in this Diocese labours, in not being able to issue Marriage Licenses to her members—a privilege enjoyed by a leading denomination of Christians in this Province." The "leading denomination of Christians," to which reference is here made, it is to be presumed is the Roman Catholic Church, as no other communion in this Province has either claimed or exercised the right to issue marriage licenses independently of Her Majesty's Representative in the Dominion. As the claim of the Roman Catholic Church to issue marriage licenses, has been also the subject of recent inquiry in the sister Dioceses of Ontario and Quebec, the result of which was communicated in memorials to the late Provincial Synod, the Committee avails themselves of the information contained in those documents, in order to report upon the disabilities complained of.

One of the memorials presented to the Provincial Synod was from the Synod of the Diocese of Quebec, the other was from the "Ottawa Clerical Union," in the Diocese of Ontario.

The Ottawa Clerical Union, in their memorial state, that they "have consulted the highest legal authorities, under the Dominion Government in reference to the matter," and that, "in the Province of Quebec, the Episcopate of the Roman Catholic Church, has an undoubted right under Treaty, to exercise" the privilege of issuing marriage licenses. "In this Province," they state, "marriage licenses are issued to all Protestants under the Episcopal seal of the Prerogative Court of Canterbury, \* \* \* and the Governor General acts as Deputy for the Archbishop of Canterbury, whose jurisdiction extended at one time over the whole "colony of Canada."

The memorial from the Synod of Quebec, states, that "in this Colony the Governor General has ever since the cession of the country assumed (by his Patent) the power of an ordinary, and has exercised it as incidental to his office of Governor, so far as it respects Protestants generally. It was never claimed or exercised (by him) in relation to Roman Catholics, to whom the free exercise of the religion of the Church of Rome was secured, as well by the Treaty of Paris of 1863, as by an Act of the Imperial Parliament passed in 1774, commonly called "the Quebec Act." "The right of granting a dispensation of marriage licenses has been exercised by the Ecclesiastical authorities of the Roman Catholic Church in Canada, independent of the Governor, or his ecclesiastical power as ordinary." The memorial also states "that marriage, except in cases of license, is performed by proclamation of banns. \* \* \* In England (the power of dis-

pensing with banns is granted to the Bishop by the 25, **Henry VIII.**, chap. 21. \* \* \* The license in England issues from the Ordinary, or person exercising ecclesiastical jurisdiction, or, in other words, from the Ecclesiastical Court. In Quebec the Civil Code contains a provision respecting the publication of banns, at the same time declaring, by the 59th article, that the marriage ceremony may be performed without a certificate establishing that the publication has been made, if the parties have produced a dispensation, or license from a competent authority for the omission of the publication of banns."

"As regards the Province of Ontario, [the Ottawa Clerical Union], find that there exists a grave doubt as to the legality of all the marriages \* \* \* contracted under marriage licenses issued by the Roman Catholic Episcopate in the Province, inasmuch as it is questioned whether the Marriage Act of the Parliament of Canada, (passed after the union of the Upper and Lower Provinces), did not abrogate the authority or power conceded to the (Roman Catholic) Episcopate under the Treaty of Quebec, as far as Upper Canada, (now Ontario), was concerned."

In regard to the application of the Marriage License Fund, the Quebec Synod, state that, down to 1841, this fund was a perquisite of the Governor's Secretary, from that year, until 1846, it became in both Provinces part of the Public Revenue, and was applied as directed by Parliament. In 1846, the Lower Canada portion of the Marriage License Fund, was appropriated "to the payment of the principal and interest of the Lower Canada Rebellion Losses Debentures," while in Upper Canada it was in the same year, 1846, "specially appropriated to Public Charitable Institutions. " Subsequently this portion was, by 13 and 14 Vic., chap. 70, declared to be at the disposal of the Legislature for public purposes of interest in Upper Canada."

Such is a brief *resume* of the historical aspect of this question; but there is a more practical one to which your Committee would respectfully call the attention of the Synod. In doing so they submit that the really important element in the question alike of license and banns in reference to marriage, is, that there shall be no facilities for improper marriages, either within prohibited degrees, or in any other way, and that, alike by the mode of giving marriage licenses, and of publication of banns, every impediment shall be thrown in the way of marriage being contracted in such a manner as shall either facilitate improper marriages, or shall tend in any degree to leave in doubt the legality of marriage, or the legitimacy of the offspring. It is exceedingly undesirable that the Church of England, by any claim to special or exclusive privileges, should adopt a course calculated to perpetuate a mode of procedure in reference to parties proposing to enter into the bonds of Holy Matrimony which may countenance other claimants to special privileges, which have undoubtedly tended to facilitate hastily contracted or improper marriages. There is no question on which Parents, Guardians, and all directly interested can have stronger

motives for taking a strictly legal and indisputable course, while there is little risk that the members of the Church of England, will resort elsewhere than to their own Clergy, and to their Parish Church, for the actual celebration of the sacred rite.

After having giving this matter our best consideration, we beg thus to report upon it.

1. We do not find it determined, that any denomination of Christians in this Province, has the power to issue to her members marriage licenses.

2. The Roman Catholic Church in this Province, acts upon the view, that it possesses the power to marry upon a dispensation or license issued by itself.

3. It has been urged that the Church of England, in this Province, has this right.

4. In view of the extreme doubt cast upon such a claim, and of the disastrous consequences that would arise from acting thereon if it turned out to be unfounded, Your Committee recommend, that a representation be made to the legislature as to our position in this matter, as compared with the Church of Rome, in this country, and asking it to pass such a law as, while effectually protecting marriage from any undue or dangerous facilities in the contracting thereof, shall place all denominations, whether Roman Catholic or Protestant, on an equal footing.

#### 2.—MARRIAGE OF DIVORCED PARTIES.

The other matter referred to your Committee is contained in the resolution proposing that "No clergyman shall solemnize matrimony "in any case where there is a divorced wife or husband of either "party still living; but this canon shall not be held to apply to the "innocent party in a divorce for cause of adultery." On this your Committee think it is highly inexpedient, if not illegal, for the Synod to forbid any clergyman performing marriage between parties legally entitled to enter into holy matrimony. The enacting of the proposed canon (forbidding a clergyman to perform such marriages) would, in the opinion of your Committee, be a violation of the civil law relating to marriage in this country.—Session of 1872, page 51.]

[NOTE.—This report was adopted, and the Committee was requested to address the Legislature on the subject, as suggested in the Report.]

## CHAPTER XXXVIII.

*Church Music and Congregational Psalmody.*

[**NOTE.**—At his Triennial Visitation in 1844, the late Bishop, in offering various suggestions on “the proper conducting of Divine Service,” said: “Every clergyman, whose voice will at all permit, ought to consider it his duty to learn a few Psalm tunes, that this essential and interesting portion of the service may not be omitted.” “The cultivation of Church music” in the congregation was also urged upon the clergy by the Bishop.—(Charge of 1844, pages 31, 32). In the Declaration of the British North American Bishops, made in 1851, the following paragraph occurs:]

1. Whereas the multiplication in Churches of different Hymn Books, published without authority, is irregular in itself, and has a tendency to promote division among us, we are of opinion that a judicious selection of Psalms and Hymns by competent authority would tend much to the furtherance of devotion and to the edification of pious churchmen.

[**NOTE.**—In 1856 the following resolution, proposed by the Rev. F. L. Osler, was lost: “That a committee be appointed to consider whether a better selection of Psalms and Hymns than that now in use, may not be obtained or compiled for general use in this diocese; and to report at the next meeting of the Synod.” (Session of 1856, page 34.) In 1857 the two following resolutions on this subject, proposed by Rev. Mr. Denroche, were passed:]

2. That whereas it is highly desirable that every branch of divine service should be conducted with as much ecclesiastical propriety and devotional reality as possible, and whereas there is room for improvement generally throughout the congregations of this Diocese in celebrating the praises of Almighty God, and of His Christ, a committee of Synod be appointed to take into consideration, and to suggest uniformity in choral, congregational, and ritual singing, to the exclusion of all unseemly music from the sanctuary, and the more general adoption of God’s own word, as set forth in the Psalter, or Songs of David, as appointed to be used “daily,” throughout the month.—Session of 1857, pages 24, 25.

3. That a committee be appointed by this Synod to consider by what means congregational psalmody can be best encouraged, and also whether it might not be expedient to give

the sanction of the Synod to the Hymn book now generally used in the Diocese, and to make what additions to it as may render it more generally useful for congregational purposes; or to adopt and sanction as the Hymn book of the Diocese, another collection which may more fully meet the requirements of the Church than that which is at present used in it.—Session of 1857, pages 19, 25.

[**NOTE.**—In June, 1858, two elaborate reports on the foregoing subjects were laid before the Synod (pages 40—47). Two committees were appointed, viz.: {One on Church Music, and one on a Psalm and Hymn book for the Diocese. The following resolution was also passed:]

4. That the report of the committee on Church Music be printed and sent to every congregation in the Diocese.—Session of 1858, page 67.

[**NOTE.**—In September, 1868, two reports, viz., the Church Music, and Psalms and Hymns, were laid before the Synod, (pages 122, 123,) and the committees on these subjects reappointed.—Page 144. In 1859, two reports on the same subjects were submitted to the Synod, (pages 65, 67—70,) The report on Psalms and Hymns was received, and the following resolution passed:]

5. That the committee be authorized to take such measures as they may think fit for the circulation of their Hymn book, and transmit copies to the Bishops of Quebec, Montreal, and Huron, with a view of obtaining their opinion and suggestions thereon.—Session of 1859, pages 102, 103.

[**NOTE.**—In 1860 the committees on Psalms and Hymns, and Church Music, submitted reports on these subjects, (pages 152, 171—174.) The report on Psalms and Hymns was adopted, (page 189.) The committee on Church Music was enlarged, and further directions were given to it, (page 199.) The following resolution was also passed:]

6. That the committee on Church Music be authorized, in order to meet the present requirements of choirs and music classes, to publish a small and cheap collection of Psalm and Hymn tunes and chants, embracing such metres as are likely to be required for any collection of Psalms and Hymns; so that the same be done without expense to the Synod, and that with a view thereto they shall add to their number such members of Synod as they shall understand to be acquainted with church music, and invite the aid of competent professors and persons.—Session of 1860, page 189.

[NOTE.—In 1861 a further report on Church Music was laid before the Synod, (pages 271—273.) It was adopted, and the committee re-appointed, (page 281.) In 1861 a resolution on the subject was passed in the Provincial Synod, asking the Bishops “to take the necessary measures for procuring such a selection of metrical Psalms and Hymns as may be suitable for general use in the congregations of the united church of England and Ireland, in the metropolitan Province of Canada.” This the Bishops by message agreed to do, (Provincial Synod Report, 1861, pages 51, 53.) In 1862 the Metropolitan reported to the Provincial Synod, that they were “not at present prepared to recommend any particular selection [of Psalms and Hymns] for our general use in this Province.” (Provincial Synod Report, 1862, page 18.) In the same year a report on the subject was submitted to the Toronto Synod and adopted, (pages 31, 32.) The following resolution was also passed :]

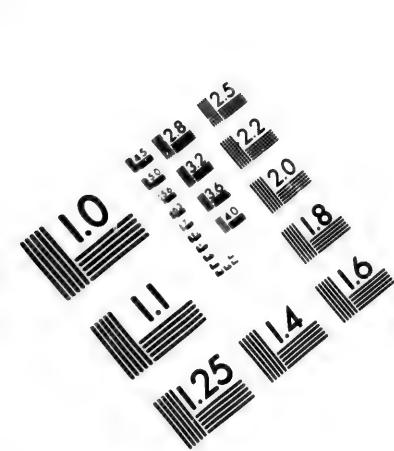
7. That the lord Bishop be requested to procure the services of some efficient person as teacher of congregational singing in such of the congregations of the Diocese as may require his services.—Session of 1862, page 41.

NOTE.—In 1863, two reports were laid before the Synod, viz.: On Church Music and Congregational Singing (pages 22, 23). The report on Church Music alone was adopted, (page 19.) In reference to the other report the following resolution was passed :]

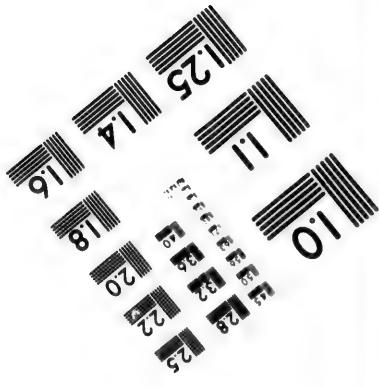
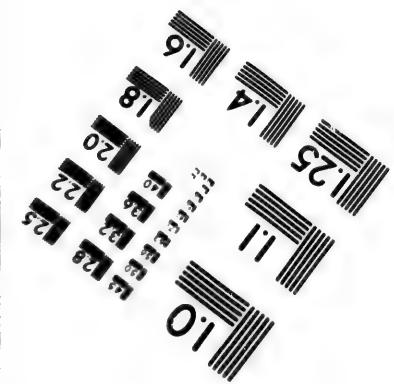
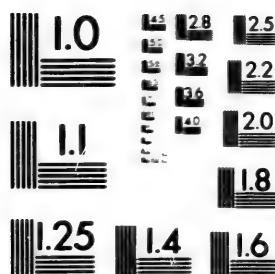
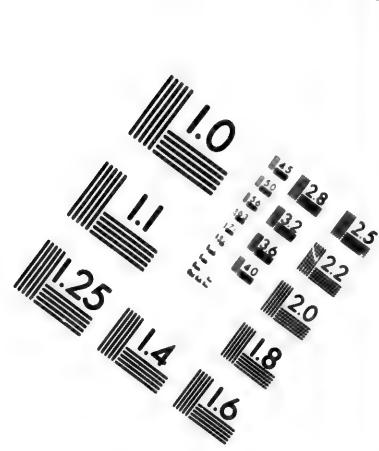
7. That the committee on Congregational Singing be incorporated with the Musical Committee of the Synod.—Session of 1863, page 16.

[NOTE.—In 1865 a motion was made by Rev. Mr. Darling in the Provincial Synod, but not concurred in, calling the attention of the Convocations of York and Canterbury to the desirability of revising the Psalter, “with a view to its better punctuation for chanting,” and especially of “dividing numerous verses which are too lengthy for convenient recitation.” A motion by Rev. Canon Bancroft was concurred in by both Houses, for “the appointment of a joint committee for the purpose of compiling a Psalm and Hymn Book which may be recommended for use in this Province.”—(Report of Provincial Synod for 1865, pages 15, 31, 35, 53 and 70.) In the same year (1865) the Committee of the Toronto Synod brought in a report in regard to an Appendix to the Chants and Tune Book, which was adopted, and \$20 were voted toward the expenses of the “Tune Book.”—Session of 1865, pages 53—55. A report was also presented and adopted in 1866, stating that the music of the Appendix is nearly ready (page 37). In 1867 a report, stating that the Appendix was ready, was presented and concurred in, (pages 41 and 61). In 1868 the report, which was adopted by the Synod, states that sale of the

Chant and Tune Book was highly successful (pages 39 and 68). In the same year (1868) nothing was done in the Provincial Synod on the subject beyond the appointment of a Chairman of the Joint Committee on Psalms and Hymns.—(Proceedings of 1868, pages 30 and 84.) In 1869, 1870 and 1871, Reports of the Church Music Committee, relating to the "Chant and Tune Book," were presented to the Toronto Synod and concurred in.—(Session of 1869, pages 60 and 74;—of 1870, pages 35 and 193;—of 1871, pages 51, 57 and 176.) In his address to the Synod in 1870, (page 25,) the Bishop thus refers to the subject of a Hymnal:—"In my address to you last year, I referred to the benefit of securing, if possible, harmony and oneness in the mode of conducting the services of the Church; and expressed a belief that the subject would, at an early period, be taken up by the House of Bishops. With a view to the same object of harmony and uniformity, a Committee at the last meeting of the Provincial Synod was appointed to effect, if possible, a compilation of Psalms and Hymns which might be adopted in all the Dioceses of the Province. This is an attainment which our Metropolitan has much at heart; and, in deference to his wishes, preliminary steps have been taken for the organizing of a sub-committee who might take the work in hand, and have in readiness a compilation for submission to the Provincial Synod at its next meeting. If our several Dioceses, as they have opportunity, would give expression to an opinion commendatory of this object, it might accelerate the completion of such a work; though I am not insensible of the difficulty, amidst the many tastes and opinions that have to be consulted, to accomplish such a selection as would generally be satisfactory. The effort, however, is undeniably a praiseworthy one, and it should not hastily be relinquished." In 1871 the Joint Committee of the Provincial Synod, appointed in 1865 (and the Chairman in 1868), did not report, nor was it re-appointed. A message was, however, received by the Lower House from the House of Bishops, containing the following resolution:—"That the House of Bishops, feeling the want of a Hymnal for the Anglican Communion, rejoice to hear that the subject has engaged the attention of the Convocations of Canterbury and York, and express the hope that such Hymnal may be speedily prepared and published; and that a copy of this resolution be transmitted to the Presidents of the Convocations of Canterbury and York, and to the Prolocutor of Canterbury." The resolution was concurred in by the Lower House.—(Proceedings of Provincial Synod, 1871, pages 58 and 78.)



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## CHAPTER XXXIX.

## Revival of the Diaconate.

[**NOTE.**—In 1857, the subject of the revival of the Diaconate was brought before the Synod of the Diocese by the Rev. Mr. Darling, (page 22 of Proceedings) but no action was taken on it. In 1859, the subject “of organizing a body of Lay Readers or Catechists” was brought before the Synod (page 81 of Proceedings), but with a like result. In 1861, the Rev. Mr. Dewar brought the matter before the Provincial Synod and the following resolution was concurred in and a committee appointed:] “That a committee of two members from each diocese be appointed, to consider whether the efficiency of the Church might not be promoted by the revival, according to the primitive model, of the order of Deacons; to suggest the limitations and restrictions under which candidates for that order of the ministry should be ordained, and to report thereon at the next meeting of the Synod.”—Proceedings of Provincial Synod, 1861, pages 41 and 50.]

[**NOTE.**—This committee brought in a full report in 1862, and appended to it a canon on the subject. After discussion it was resolved “that the Report be referred to a committee, with a view to its revision and amendment.” (Proceedings of 1862, pages 30, 42, and 44.) In 1863, the subject was brought up in the Toronto Synod, and a motion (as below) was made, to which the following amendment was moved: “That it is expedient, in the opinion of this Synod, if not inconsistent with the rules of our Church, that deacons should remain for a longer period than is now customary in that order, with a view to its being made a *bona fide* probation and preparation for the priesthood, and that during their diaconate they should be restricted, so far as may be practicable, to those duties which have been recognized both by the primitive Church and by our own, as their proper functions.” This amendment was negatived and the original motion carried by a vote of 58 yeas to 43 nays, as follows:]

1. That the revival of the Diaconate in its full efficiency, as a separate and permanent order, would be of great service to the Church.—Session of 1863, page 17.

[**NOTE.**—The subject was not brought up again in the Toronto Synod until in 1871 (see below). In 1865, however, the Committee of the Provincial Synod, appointed in 1862, brought in a report containing the following revised canon, which was adopted:]

“No deacon shall be admitted to the priesthood until he shall have served as deacon for two years, nor shall any deacon have an

independent spiritual charge, but shall act under the direction of such incumbent as he may be appointed to assist."—Proceedings of 1865, pages 17 and 61.

[**NOTE.**—This canon was not reported to the House of Bishops for its concurrence. The second part of the report stated that the Committee was "not prepared to recommend the employment, as deacon, of persons engaged in secular callings." It was also "of opinion that the pressing wants of the Church in many localities may be more safely met by the employment of Lay Readers, publicly commissioned to perform their duties, and placed under the direction of an incumbent." A motion to refer this back to the Committee was lost. (Proceedings of 1865, page 61.) In 1871, the subject was brought before the Toronto Synod by Col. O'Brien, and the following resolutions adopted :]

2. That there is a sad want all through our Church of means of instruction, even in the first rudiments of religious knowledge and training, not only among our young people, but even more so among those of adult age. This want is not only a grievous present evil, but it is also a growing one. The means of religious instruction now in operation do not keep pace with the increase of population, accompanied as it is by largely increased means of secular teaching, together with a flood of cheap literature often of a most deleterious description.

3. That in the opinion of this Synod, the enlargement of the Diaconate, making it a more real and permanent order in the Church than it is at present, and accepting in such lower and subordinate station, a cheaper course of education than is now usually required, offers a means, in some degree, of meeting the evil. That the measure now generally sanctioned by our Bishops, and adopted in many dioceses, for the employment of the gratuitous services of Laymen, willing to consecrate a portion of their time to the more immediate service of the Church, indicates another source from which much valuable assistance may be obtained.

4. That it is advisable for the permanency and enlargement of the Order of Deacons, to substitute a sound English education for that competent knowledge of Latin, involving a College or University course, which is now required before admission to Orders. But this substitution shall not be held to extend to those who may be at the time, or shall afterwards become, candidates for admission to Priest's Orders.

5. That it shall be imperative on every deacon before admission to Priest's Orders, to declare himself a candidate for the same, and to undergo such further examination as may then be required. And, unless such candidate shall have already passed through such College course as is now demanded, he may, after a lapse of not less than — years from passing such examination, and, after having gone through such additional course of reading as may be required of him during that time, be presented for admission to Priest's Orders; but should the candidate have passed through such College course and training, he may be presented for admission to a higher order, after a lapse of one year from entering the Diaconate.

6. That in accordance with the principle pervading the "Form and Manner of Making Deacons," and the "Form and Manner of Ordering Priests," no deacon shall be placed in the independent cure of souls, but shall always be associated with a priest, as his assistant, to whom he shall be subordinate, and to whom he shall apply for the performance of those offices in the ministry forbidden to the deacon.

7. That the outward form for the admission of Laymen to read the Scriptures, and otherwise assist in the administrations of the Church as herein contemplated, together with the necessary declaration of obedience, is a matter to be decided by Episcopal authority; and, for the purpose of obtaining a uniform practice, it is desirable that the same be submitted to the House of Bishops.

8. That these Resolutions be submitted to the Lower House of the Provincial Synod; also, that a Memorial founded on them be presented to the House of Bishops, by his lordship the Bishop of this Diocese, praying their favourable consideration thereof; and that in the meantime his lordship be requested to take such action in the premises as may seem to him desirable.

[**NOTE.**—A memorial, with these resolutions, was presented to the Provincial Synod at its meeting in 1871, and a committee was named by the Prolocutor, as requested, to which "all memorials and petitions" "on the revival of the Diaconate" were referred, "with instructions to report at the present meeting of Synod." The Committee did not, however, report, and the matter was left over until next Synod. (Proceedings of Provincial Synod for 1871, pages 15, 30, and 37.)

## CHAPTER XL.

## Lay Co-operation and Lay Readers.

[NOTE.—As intimated in the preceding chapter, the subject “of organizing a body of Lay Readers and Catechists” was brought before the Toronto Synod in 1859, by Mr. Kingston, but nothing was done on the subject. In 1861, a comprehensive report was submitted by a committee (of whose previous appointment there appears to be no record in the minutes) on Lay co-operation. Having been read and considered, the following resolution was passed:]

1. That the report [on Lay co-operation] be printed in the *Ecclesiastical Gazette*, and be recommended to the members of the church in this diocese to be carried out where practicable.—Session of 1861, pages 295–302.

[NOTE.—In a report on the Diaconate, made by a committee in 1865 to the Provincial Synod, the Committee state “that they are not prepared to recommend the employment, as deacons, of persons engaged in secular callings. They are of opinion that the pressing wants of the Church in many localities may be more safely met by the employment of Lay Readers, publicly commissioned to perform their duties, and placed under the direction of an incumbent. (Proceedings of Provincial Synod 1865, page 17.) In his address to the Toronto Synod in 1871, the Bishop thus refers to the subject of Lay co-operation :

“It is with peculiar satisfaction that we notice the desire expressed by so many of our Lay brethren to be useful to the Clergy in conducting the services of the Church—as far as laymen legitimately can—in places to which the clergy, unless at long intervals, cannot extend their ministrations. And, it is gratifying to discover that, in view of the emergency of the case, and the benefit it ensures of a better observance of the Lord’s day, and a fitter recollection of its peculiar duties, such services are usually well received. I have felt it a duty, as well as a pleasure, to encourage such lay ministrations in every quarter in which the need of them has been pointed out, and where the clergymen in charge have expressed their hearty recommendation of the individuals employed. While we cannot for a moment allow it to be thought that such ministrations are to be looked upon as a fitting substitute for the services of those duly set apart and ordained for the purpose, we shall, in the contemplation of the fewness of our authorized labourers, always gladly welcome the services of those of our lay-brethren who, from love of the Church and love of souls, are willing to undertake this good work.

"A staff of such labourers—comprising for special work devout and earnest women, as well as pious and energetic men—would be a very possible organization in almost every parish or mission. With ministrations occasionally of a more public character, they could pursue, with benefit incalculable, those unobtrusive ones of visiting the poor and the sick, and of directing the sympathies and help of all their brethren towards the alleviation of the temporal and spiritual needs which everywhere exist. This would be converting every parish or mission into a christian brotherhood indeed. It would gradually break down that isolation of its members, in works of piety and charity, which is now so much complained of; it would blend classes together in active duties for the best welfare of all." (Session of 1871, page 26.) In the same year, on motion of Ven. Archdeacon Fuller, the Synod concurred in the following resolution on the subject of Lay Readers:]

2. That under the circumstances of the diocese, with a scattered population in large parishes and missions, it is very desirable that Lay Readers should be more generally employed than is now the case; that such Lay Reader should be recommended to the lord Bishop by the Incumbent of the parish or mission—should be entirely under his control and direction—and should be removed at his request; and that he should be publicly received as a co-worker in the parish or mission by the lord Bishop or by an official of the diocese appointed by his lordship.—Session of 1871, pages 60 and 69.

[NOTE.—Subsequently a memorial to the Provincial Synod was adopted on this subject and that of the Diaconate, accompanied by the resolutions, which had been adopted by the Diocesan Synod, on those subjects. The Memorial was laid before the Provincial Synod and a Committee appointed on the subject, but nothing more was done.—Proceedings of Provincial Synod, 1871, pages 15, 30 and 37.]

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## CHAPTER XLI.

### INCREASE OF CANDIDATES FOR THE MINISTRY.

[NOTE.—In 1853, the subject of increasing the number of candidates for the ministry was brought before the Synod.—(See *Clerical Sustentation Fund*, page 120.) In 1858, it was again brought before the Synod, and the following resolution on the subject was passed:]

1. That the lord Bishop of the Diocese be respectfully requested to appoint a committee, who shall report at the next meeting of the Synod, a plan for securing, with the Divine blessing, an increase in the number of candidates for the sacred ministry in this diocese.—Session, at Kingston, of 1858, page 141.

[**NOTE.**—In 1859, this committee brought in an elaborate report, (pages 43-50 of Proceedings,) which was considered by the Synod, and the following resolution on the subject adopted:]

2. That the report on the increase of the number of divinity students [in Trinity College] be adopted and printed; and that a committee be re-appointed [with additions] to take such further steps thereon, in pursuance of the object of the report, as they may deem expedient.—Session of 1859, page 96.

[**NOTE.**—The committee brought in an amended report in 1860, (pages 194-198,) when the following resolution was passed:]

3. That the report [on the increase of Divinity Students in Trinity College] and additions thereto, be adopted.—Session of 1860, page 199.

[**NOTE.**—In the Bishop's address to the Synod in 1865 he referred to the inadequate support of the clergy, and the failure in many cases to "remember the solemn stipulation into which [the people] have entered \* \* \* to afford a certain support to their clergyman," and remarked: as a "result of this unhappy carelessness, young men cannot be allured into the service of the Church; they will seek out other employments that promise them a decent living; and while other professions will be abundantly filled by the talent and enterprize of the land, the Church of God—the purchase of the Redeemer's blood—will be without its ministering servants."—(Session of 1865, pages 16 and 17.) In his first address to the Synod in 1867, the present Bishop referred to the same subject, urging the effort to be made to "supply every clergyman \* \* \* with an income of £250 per annum and a free residence \* \* \* In this case \* \* \* there would be encouragement to our pious and talented youth to engage in the duties of the ministry. They would no longer be deterred, by motives of worldly prudence, from adopting a profession to which their tastes and inclinations have long perhaps been urging them."—(Session of 1867, page 21.) In his address in 1870 the Bishop again referred to the subject, and to the smallness of the stipend of the clergy, "which in these expensive times is utterly insufficient to insure to a clergyman with a family the

ordinary comforts of life." This, he said, would "have the effect of deterring the choicest and most gifted of our youth from seeking the ministry as a profession; for though we may still gain many a good and earnest and useful man, we shall lose more who, with social position and the influence it brings, with bright talents, and an undoubted love for souls, would be a treasure and a blessing to the Church."—(Session of 1870, page 20.) The subject is further referred to in the next chapter under the head of "Divinity Students' Fund."]

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## CHAPTER XLII.

### Trinity College University.

"Let the good angel of the Lord preside over all our educational institutions, with the Bible in his right hand, and the volume of human knowledge in his left."—*Venerable Bishop Strachan's Charge*, 1856, page 23.

[NOTE.—The late venerable Bishop Strachan's name has always been associated with the promotion of university and general education in Upper Canada. He was selected in 1799 as principal, or head of the then projected university, or college. On the failure to establish the college, the late Bishop was, in 1800, appointed private tutor in Hon. Mr. Cartwright's family at Kingston. After his ordination and appointment to Cornwall in 1803, he opened a school there, which was highly successful. In 1807, he received from St. Andrew's University the degree of LL.D., and from the Aberdeen University that of D.D. In 1827 a Royal Charter was issued for the proposed King's College, and under it Rev. Dr. Strachan was appointed President; but as the charter was unacceptable to large numbers in the Province, a proposition was made to the college council by the Imperial Government in 1822 to surrender the charter. This the council refused to do, and a lengthened discussion took place on the subject. In the meantime, steps were taken by the Bishop (soon after his consecration) to establish a theological college at Cobourg. A plan for the proposed college was submitted to the Bishop in October, 1841, by his chaplains: Rev. Dr. (now Bishop) Bethune, Rev. H. J. Grasett, M.A., and Rev. H. Scadding, M.A. In November the college was established, and Rev. Dr. Bethune appointed Professor of Divinity. In January, 1842, the college was opened and seven students enrolled. At the following October term the number had increased to seventeen. The charter of King's College was modified in 1836-37, but owing to the rebellion of 1837 nothing was done until 1842, when the corner stone of the College was laid by the Bishop. In 1843 the College was opened, and Rev. Dr. Beaven was appointed Professor of Divinity.

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Farther objections having been urged against King's College as then constituted, it was, in 1850, changed into the present University of Toronto and University College. This change was unacceptable to the Bishop; and in the same year (1850) he took vigorous steps to establish a purely Church of England University at Toronto. In April, therefore, he left for England, and returned in November. While there he was successful in obtaining a large sum of money from the venerable societies, Oxford University, and private parties. The act of incorporation and a royal charter were also subsequently obtained by the Bishop. In 1851, the corner stone of the new University of Trinity College was laid by the Bishop; and in 1852 the College, with Rev. Provost Whitaker at its head, was opened. Sixteen divinity students were in that year transferred to the new University from the Theological College, at Cobourg, (which was then closed). In 1852, the Ven. Archdeacon (now Bishop) Bethune raised further subscriptions in England for the University. In 1852, '3, Rev. Dr. McMurray obtained \$10,000 in money and books in the United States for it; while Rev. Dr. (now Archdeacon) Fuller, and Rev. Rural Dean Givens were successful in collecting subscriptions in the eastern and western sections of this Province. In 1853, Dr. Burnside, of Toronto, bequeathed \$24,000 to the College. In 1864, Rev. Dr. McMurray obtained \$20,000 in England, and being unable to finish the work, Rev. W. S. Darling completed it, and obtained \$2,526 more. In 1865, Hon. James Gordon, of Toronto, bequeathed \$2,000 to the College, and, in 1866, E. Turner, Esq., of Toronto, left \$8,000 to it. The total sum subscribed, or otherwise obtained, in England, the United States and Canada, for the new university, was nearly \$300,000.]

[NOTE.—In his charge, delivered to the clergy and laity on the assembling of the first Synod in 1851, the late Bishop thus referred to the steps which had led to the establishment of Trinity College: "You are aware that our theological seminary at Cobourg (which has been conducted with so much ability, and has been of so great benefit to the Church, by the great number [45] of zealous and active clergymen which it has provided), was intended from the first to be temporary. But so long as King's College existed, and enjoyed a religious character, and had not only a Professor of Divinity to prepare our youth inclined to the Church for holy orders, [but the right] to conduct regular service morning and evening, Sundays and holydays—there was no urgent necessity for making any alteration in its constitution or efficiency. But when the Legislature of this Colony passed an act suppressing King's College, and excluding from the new University all religious instruction according to any form of doctrine, prohibiting any form of prayer and every act of public worship, and in a measure disqualifying any of the undergraduates in holy orders from appointment to the Senate, the time for remodelling the Cobourg institution seemed to have arrived. The members of the Church,

thus deprived of a university with which they could in any sense as religious men co-operate, felt it their duty to sacrifice endowment rather than principle, and that it was impossible for them, great as the sacrifice was, to hold connection with an institution now essentially anti-Christian, though originally bearing the revered name of the sovereign of the Empire, and expressly established for religious purposes. They determined, therefore, to use their utmost efforts to establish a University in direct communication with the Church from their private means, and which should recognize the principles of Christianity as the basis of education. The appeal was first made to the clerical and lay members of the Church of the Diocese, which was nobly answered, by contributions in land and money amounting to the value of more than one hundred thousand dollars. Encouraged by this generous liberality, which proved that the Church was wholly with me, I proceeded to England and renewed my appeal to our brethren, the members of the Mother Church; and they applauding the object and confiding in the faith and sincerity of our supporters here, gave largely of their bounty, the two great Church Societies and the University of Oxford taking the lead in this work of Christian love. Since my return to the Diocese, a temporary College Council has been organized, a site has been purchased for the College, which is to be called Trinity College, and contracts entered into for the erection of the buildings. The institution is intended for the whole diocese; and in case of division, it is proposed to give the new Bishop or Bishops the same authority and interest in its proceedings as the Bishop of Toronto."—Charge of 1851, pages 7—9.]

[NOTE.—In the Declaration of the Bishops of British North America, made in 1851, the following passages occur:]

1. Although we consider it of great importance that each Bishop should connect with his Diocese some college or like institution for the special training and preparation of young men for the ministry of the Church; we believe that one University for the North American Provinces, with foundations for each Diocese, on the model of the two great Universities, will be required to complete an educational system, as well for lay students in every department of literature and science, as for the students in theology and candidates for the sacred ministry.

2. In addition to the general studies pursued in the college or university, we deem it highly desirable that candidates for the ministry should apply themselves, under competent direction, to a systematic course of reading in theology for at least one whole year, or longer if possible, previous to their taking holy orders; and that they should likewise be instructed in the duties of the pastoral office, in correct reading and delivering of sermons, in church music, architecture, &c.

[**NOTE.**—The first reference to Trinity College in the proceedings of the Synod occurs in 1853, when a vote of thanks was unanimously passed to the churchmen of the United States, for their munificent contribution (at the solicitation of the Rev. Rural Dean McMurray). In 1859, Trinity College is referred to in a report on the increase of divinity students—(Page 43.) In 1860, it is suggested, in a report on the same subject, that “married men residing out of college,” be allowed to hold exhibitions in the university.—(Page 198.) In 1861, several objections having been made, chiefly by the Bishop of Huron, to the nature of the instructions given to the divinity classes in Trinity College, the Bishop of Toronto delivered a special address to the Synod on the subject, at the meeting in June.—(Pages 237—260.) A discussion having arisen on the subject, the following resolution was proposed: (See below.) To this resolution two amendments were made, viz.: (1.) “That inasmuch as the motion (proposed below), if persevered in, would have the effect of exhibiting to the world a divided Synod, it is inexpedient to entertain it.” (2.) “That the Synod desires to express its deep sympathy with our venerable Bishop in his late trials and difficulties, in consequence of the differences in regard to Trinity College, and its sincere hope that those difficulties may be happily removed by the increased usefulness and efficiency of the institution.” This amendment was rejected by a vote of 82 (fifty-three clergy and twenty-nine parishes) to 27 (fourteen clergy and thirteen parishes); and a resolution carried by a vote of 84 (fifty-four clergy and thirty parishes) to 24 (fourteen clergy and ten parishes), as follows:]

3. That this Synod desires to express its deep sympathy with our venerable Bishop in his late trials and difficulties, in consequence of the imputations cast upon the teachings of Trinity College, and with the Rev. Provost, as the exponent of that teaching, and declares its continued confidence in the college and its administration.—Session of 1861, pages 285, 286.

[**NOTE.**—A motion was subsequently proposed on the amendment of the Toronto University Act, but it was withdrawn, and the following resolutions adopted:]

2. That a petition be presented to the Legislature at its next session, praying for aid to Trinity College, for the specific purpose of completing its buildings and further extending its usefulness.—Session of 1861, page 295.

3. That a committee be appointed to watch the course of legislation with reference to university education, and to endeavour, under the direction of the lord Bishop, and by conference either with the members of the Legislature or with the Government, or with any other bodies appointed by the

Government, so to guide and mould such legislation as to make it consistent with the interests of the Church, and the improvement of provincial university education.—*Ibid.*

[NOTE.—In 1862, this committee presented an elaborate report on the subject of university education in Upper Canada (pages 22-29 of minutes). When the report was proposed for adoption, a discussion arose and several motions on the subject were made as follows: (1.) "That the report on university education be adopted and printed." In amendment it was moved, (2.) "That the report be re-committed, in order that it be amended, so as to state definitely the principles which the Church cannot concede on behalf of Trinity College, and to guard against misconception on the part of the Church at large, and that the same committee be appointed to watch the course of legislation, in concurrence with the Bishop and authorities of Trinity College." In amendment to this amendment it was moved: (3.) "That the report lie on the table, and that a committee be appointed to watch the future course of legislation on the subject." It was further moved in amendment to the amendment, (4.) "That the report on university education be not now adopted." The report was however withdrawn, and the motions fell to the ground.—Page 35. No proceedings on the subject took place in 1864, 1865, 1866, or 1867. In 1868, Canon Brent gave notice of the following, but subsequently it was withdrawn "as pertaining more properly to the Church Society." "That the attention of this Synod is invited to the condition of the Fund for Divinity Students in Trinity College. There have been during the past year six Exhibitioners, two of whom are now about to leave college. The report of the Secretary of the Church Society shows that the funds to the credit of the Fund are insufficient to provide for the exhibitions at present on the list, while several applications will be made in August next to the Committee of the Church Society, by whom the exhibitions are awarded, the rejection of such applications is greatly to be deprecated, and the Synod are therefore requested to invite his lordship the Bishop in Synod to appoint a special collection to relieve the Fund from its present embarrassment, and transmit the report by a pastoral letter.—Session of 1868, pages 49 and 69.]

[NOTE.—In 1869 the statement of the Divinity Students' Fund was laid before the Synod on its incorporation (pages 130, 131). In 1870, a statement was also laid before the Synod (pages 32, 64 and 150), and a report (page 148). The following by-law was adopted by the Synod:]

4. A Committee of Synod shall be appointed annually, whose duty it shall be, immediately on their appointment, to enquire into the state of the Fund, and to declare thereupon what number of Exhibitions in Trinity College, tenable for

three years, and of the value of £30 per annum, will be open to applicants in that year, giving notice to this effect in the Church —.

5. It shall be the duty of the Committee, at the August meeting, to receive and examine the testimonials of applicants, and to select as exhibitioners such as they shall consider to be most deserving, notifying the Provost of Trinity College of such selection.

6. Persons nominated to Exhibitions shall be required to pass the Matriculation Examination with such credit as may satisfy the Examiners of their probable fitness to enter the Divinity Class at the expiration of their first year; and they shall forfeit their Exhibitions if they fail to satisfy the Examiners of their actual fitness in the ensuing June examination.

7. Every Exhibitioner shall be required, at Matriculation, or on entering the Divinity Class, to subscribe a declaration of his purpose of completing his course of study, and of serving in the Diocese of Toronto for not less than five years.

8. No Exhibition shall be continued for more than three years, the first of which shall be passed in the Arts course, and the last two in the Divinity course.

9. If any Exhibitioner, having satisfied the Examiners in the June Examination of his first year, shall (by the advice or with the consent of the Professors), remain for a further period in the Arts course, his Exhibition shall be suspended until he shall enter the Divinity Class.

10. The College authorities shall furnish to the Committee at their August meeting, in each year, a Tabular Report of the conduct of the several Exhibitioners under the following heads: 1. General Conduct; 2. Attendance at Chapel; 3. Attendance at the Holy Communion; 4. Attendance at Lectures; 5. Application to Studies; 6. Progress in Studies; 7. Examinations; and any Exhibition shall be subject to withdrawal if such report be unfavorable, or if, for other reasons, the Committee shall be dissatisfied with the conduct of the Exhibitioner.

11. No person holding a Scholarship in Trinity College shall be allowed to receive or retain an Exhibition.

12. No Student of Trinity College shall be admitted to an Exhibition except he present to the Examiners a certificate of conduct from the authorities of the College of the form above prescribed, and a certificate from the Provost that he is, in respect of any regulations before mentioned, eligible for election to an Exhibition.—Session of 1870, pages 64, 103 and 148.

[NOTE.—In 1871, on motion of the Rev. Rural Dean Lett, it was resolved]

13. That this Synod hereby expresses its desire that the Corporation of Trinity College do so change its statutes, or take such other measures as will in the future election of the members of the said Corporation, other than the *ex officio* members, vest in the Synod such a voice in the said election as will be conducive to the best interests of Trinity College, and will be satisfactory to the members of the said Diocese. That his lordship the Bishop be respectfully requested to communicate to the Corporation of Trinity College the above resolution.

[NOTE.—In 1872, the Rev. J. W. R. Beck presented a memorial containing certain charges relative to Trinity College, which was read by the clerical secretary. The memorial was subsequently referred to a committee which reported, "that a copy of the memorial be enclosed to the Provost, requesting that the authorities of the corporation would be pleased to reply to the charges *seriatim*." The report was adopted. The following resolution was also adopted:]

14. That the amendment to the [late Church Society] by-law on the Divinity Students' Fund, adopted at the last session of the Synod, be now confirmed.—Session of 1872, page 52.

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## CHAPTER XLIII.

### Bishop Strachan's School for Girls.

[NOTE.—In 1865, the following resolution was moved: That a committee be appointed to consider the advisability of forthwith establishing a diocesan school for the education of the daughters of the clergy. (Lost.) Moved in amendment and carried:]

1. That the following committee be appointed to consider the advisability of forthwith establishing a Church School for the education of girls; and, with the sanction of his lordship, to take such steps as may seem to them expedient for the establishment of such school: Rev. Provost Whitaker, Revds. Messrs. Baldwin, Cartwright, McCollum (convener), Professor Wilson, Dr. Bovell, and Messrs. F. W. Cumberland, J. George Hodgins, and John Carter.—Session of 1865, page 51.

[**NOTE.**—No report was presented on the subject in 1866, but the same committee was reappointed. No report was, however, presented in 1867, 1868 or 1869, nor was the Committee reappointed; but in his address in 1869, the Bishop referred to the success of the Bishop Strachan School, which, in the meantime, had been established by private enterprise, and commended it to the support of the Synod (pages 20, 21). In response to this part of the Bishop's address, the following resolution was passed:]

2. That the Executive Committee be requested to deliberate and agree upon such measures as will in their opinion tend to secure for the Bishop Strachan School the united support of this Synod and of the Diocese; and if, after the Committee has agreed upon such measures, the Council of the School agrees to accept them, this Synod hereby authorizes the Committee to adopt the same, and carry them out as far as they may be indispensably necessary, until the next session of the Synod.—Session of 1869, page 75.

[**NOTE.**—In 1870 the Bishop again referred to the School in his address, and urged that the question be again referred to the Synod (as no satisfactory result had thus far attended the deliberations of the Committee), with a view to obtain from it a basis of procedure which might lead to mutual confidence and combined action (page 25). The report of the Executive Committee on the subject was laid before the Synod (page 43); and on a motion that the report (page 192) be adopted, it was moved in amendment: "That whereas it is expedient to place the Bishop Strachan School under the direct management of the Synod, in order to its more general support by the Laity of the Church. It is resolved, that on the passage of an Act of the Legislature for the transfer of the governing power to this Synod, the Executive Committee of this Synod shall nominate a Committee of sixteen members, of whom eight shall be clergy and eight laity, to constitute the governing body of the said School until the next meeting of the Synod." An amendment to this amendment was also moved as follows: "That it is desirable that the selection of six clerical and six lay members of the Council of the Bishop Strachan School should be made by the joint vote of the clergy and laity of this Diocese, in Synod assembled." Finally, after a prolonged discussion on the subject, without any hope of coming to an agreement, it was finally moved and carried:]

3. That the Synod do now proceed to the next order of the day.—Session of 1870, page 75.

[**NOTE.**—In 1872, the question was again brought up in the Synod by Mr. Grierson, and the following resolution passed:]

4. With a view to the adoption of such measures as would place the Bishop Strachan School "upon such a basis as would

assure the support of members of the Church at large" (see Address of the lord Bishop, Synod Report, 1870, page 25) be it resolved: That a committee be appointed by his lordship to take into consideration the various reports, resolutions and propositions made from time to time on the subject; such committee to report to the Synod at its next session such a measure as, in their judgment, will meet the difficulties which appear to exist, in placing the government of this School in the Synod, thereby making it, in fact and effect, the school of the whole Diocese.—Session of 1872, page 56.

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## CHAPTER XLIV.

### Sunday Schools of the Diocese.

[NOTE.—In his primary charge to the clergy in 1841, the late Bishop Strachan thus referred to the necessity and value of Sunday Schools in giving catechetical instruction: "An excellent help, in promoting its success and efficiency, will be found in the establishment of Sunday Schools, one of which ought, if practicable, to be attached to each congregation."—Primary Charge, 1841, page 25. In his next charge, delivered in 1844, the Bishop, in referring to the importance of employing a travelling missionary, speaks of its being "in his power, as the settlements advance in population, to establish Sunday Schools." He also speaks of a travelling missionary staying a month or six weeks in a place, among other things, that "the number of children" may be "ascertained, and a Sunday School set on foot" (page 18). Also, in speaking of the binding duty of pastoral visitation, and the personal influence acquired by a clergyman who faithfully performs this duty, he says, "The establishment of Sunday Schools can be easily effected when such an influence has been won, and if properly conducted under adult teachers imbued with faith, and well acquainted with our distinctive principles, such schools become fruitful nurseries of the Church, and extend the knowledge of her excellence beyond our own people." Further he says: "We ought to have a Sunday School at every one of our stations: its establishment and success is of the utmost importance to the well-being and extension of our Church; for the scholars thus cared for, when they become men and women, will seldom fail to become zealous members of our congregations.—Charge of 1844, pages 18, 38, 39.]

[NOTE.—In the Declaration of the Bishops of British North America, made in 1851, they say]

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1. We desire to express our sense of the importance, in the existing state of the Church, of Sunday Schools, especially in large towns, and we thankfully acknowledge the benefits which have resulted from the labors of pious teachers both to themselves and their scholars, under proper direction and superintendence. In every possible case, the Sunday Schools should be under the personal direction and superintendence of the minister of the parish or district; or otherwise the Minister should appoint the teachers, choose the books, and regulate the course of instruction; that there be no contradiction between the teaching of the school and the Church, all Sunday scholars should be instructed in the Church Catechism and regularly taken to church.

2. We would carefully guard against the assumption that instruction in the Sunday School, even by the minister of the parish, may be allowed to supersede the directions of the Rubrics and Canons, and on the duty of catechizing in Church; for we distinctly recognize and affirm as well the great importance, as the sacred obligation, of those directions.

[NOTE.—In his charge of 1853, the late Bishop Strachan again referred to the subject of Sunday Schools. We quote a few passages: "Permit me to suggest the increase of your Sunday Schools in members and efficiency. Establish one at each of your stations; \* \* \* remember that all your time and faculties belong to the Church; \* \* \* and, if you go earnestly to work, you cannot fail. I am not ignorant of the difficulties you will have to encounter from apathy and carelessness, from the scarcity of teachers and from their general inability, even when willing; but such obstacles are daily overcome by others, and why not by us?" \* \* \* You can take the schools an hour by rotation, and this at such intervals as may not interfere with your various engagements. Moreover you can appoint an evening on some week day to meet the teachers of your different schools in their turn. Nor will the discharge of this more increased duty be slow in bearing fruit: your congregations will become more numerous at your different stations, more attentive and docile. \* \* \* By your own exertions, and those of your teachers, you would impress on the young of your charge the great truths and principles of Christianity; training them up in the principles of religion, and habits of regularity, propriety and cleanliness, enlightening their understandings, softening their hearts, purifying their morals, and civilizing their manners. \* \* \* Your teachers would become so many friendly missionaries \* \* \* and you would in a short time be delighted with the happy change throughout your whole mission.—Charge of 1853, pages 26, 27.

[NOTE.—In his charge of 1856 the Bishop referred again to the same subject, and urged in strong terms the necessity of “increasing the number of Sunday Schools,” so as “to have one at each of the stations.” In regard to “the instruction and religious knowledge imparted” he said “every portion should be patiently and thoroughly explained as we proceed,” and he spoke of the encouragement to the teachers “when the minister catechises in public.”—Charge of 1856, pages 20, 21.]

[NOTE.—In a report on lay co-operation laid before the Synod in 1861, the following paragraphs, bearing on the subject, occur: “Every clergyman should endeavour, through God’s assistance, to raise up about him a goodly band of the faithful, pledged to each other, and more than pledged to their common Master, to do all they can to promote His kingdom upon earth. He might select from this band the superintendent of his Sunday School, to aid him in carrying out the faithful instruction of the lambs of Christ’s flock, in providing teachers and books for the Sunday Schools, and to keep him acquainted with the individual cases in the school needing counsel, warnings and encouragement. A very important portion of every congregation consists of young men who have been confirmed but not yet settled in the world, \* \* the care bestowed on this class, would secure for the Sunday School an abundance of male teachers, the want of whom is generally felt.”—Session of 1861, page 299.]

[NOTE.—The committee on “Parochial Statistical Reports,” in its report laid before the Synod the same year, also recommend that a report embracing, among other things, information on Sunday Schools, be annually furnished to the clerical secretary of the Synod.—*Ibid.*, page 303.]

[NOTE.—In 1862, Dr. Hodgins introduced the following motion, which was adopted :]

3. That with a view to provide as far as possible for united action in the Diocese in promoting the greater efficiency of Sunday Schools, a committee be formed for this purpose, whose duty it shall be to present a report annually to this Synod, on the condition and progress of Sunday Schools throughout the Diocese, and to make such suggestions for their improvement as they shall judge expedient.—Session of 1862, page 40.

[NOTE.—During the same session it was moved by Rev. Canon Read and adopted :]

4. That a committee be appointed to consider what steps can be taken to secure publication of books suited for libraries and instruction in Sunday Schools.—*Ibid.*

5. That it be the duty of every incumbent of each parish or mission within the Diocese to furnish the Secretary of the Synod, at the opening of the business of the Synod, with a parochial report, giving [among other things specified] the number of schools, the number of teachers (male and female), the number of male children on the roll, number of female children, the average attendance since last report, etc.—*Ibid*, page 42.

[*NOTE*.—In 1863, the committee on Sunday Schools reported at length on the subject. Among other things they made the following recommendations, which were adopted :

*Sunday School Libraries*.—\* \* \* In the selection of books for Sunday School libraries, very great benefit would arise from having selections carefully made, adapted to the circumstances of our own country, and published in the province. \* \* \*

*Books of Instruction*.—Suitable books of instruction are essential to the success of Sunday Schools. \* \* \* Something can be done to meet a want that those engaged in Sunday School teaching in this country feel, by preparing new books for the purpose, or by adapting to our use books published elsewhere, thus promoting a more thorough course of instruction, as well as giving a more extensive range to the subject of Sunday School teaching. \* \* \*

*Lay Superintendents*.—Each school should be in charge of a lay superintendent, with a sufficient number of devoted and pious teachers to help him. It is very desirable, when possible, that the clergyman should have a general and ever vigilant oversight of the school, but the details of management, the order and discipline of the schools, rest with the lay superintendent, who should be appointed by, and responsible to, the clergyman; thus lay-agency would be worked, and lay co-operation secured. \* \* \* In addition to the ordinary routine of the school, the clergyman should set apart specific periods for catechetical instruction, given by himself in the school, and at stated periods to preach a sermon specially addressed to Sunday School scholars.—Session of 1863, pages 13, 19.]

[*NOTE*.—In the same year (1863) the following resolution was passed :]

5. That blank forms of report on Sunday Schools be printed on a separate form, and forwarded to the clergy of each parish, to be filled up and returned.—*Ibid*, page 16.

[*NOTE*.—In 1864 the report of the previous year was again presented and adopted (pages 16 and 20), when the following resolution was passed.]

6. That the tabular forms for Sunday Schools, should be circulated after having received the sanction of the Bishop.—Session of 1864, page 30.

[**NOTE.**—In 1865, the Committee presented a report on Sunday Schools (page 28, 30) and the Committee also was re-appointed (page 66.) In 1866, 1867 and 1868 no report was presented, but the Committee was re-appointed each year. In 1869 no report was presented, but a standing Committee under the new Constitution was appointed (page 52, 66.) In 1870, the Constitution was revised, so far as related to Sunday Schools, as follows:]

7. The Sunday School and Book and Tract Committee shall consist of five Clergymen and five Laymen, members of the Synod, whose duty it shall be to obtain statistics, and to present a Report annually to the Synod on the condition and progress of Sunday Schools throughout the Diocese, to make suggestions for their improvement as they shall judge expedient, and to consider what steps can from time to time be taken to secure the publication of books suited for libraries and for instruction in Sunday Schools, &c. Session of 1870, page 97.

[**NOTE.**—In the same year, (1870) a report was presented (page 190, 191) and adopted (page 74). From this report we make the following extract, giving reasons for certain important changes: “It is a matter of regret that little information has been furnished on the present condition and management of our Sunday Schools. The value of improvements in discipline and instruction which may be adopted in particular schools is lost to others. It is therefore the more necessary that some scheme should be adopted by which earnest, active workers should have an opportunity of giving each other the benefit of their experience, and of discussing improved matters of Sunday School organization which have been adopted in the mother country or elsewhere, and of thus rendering individual progress beneficial to the whole. From these considerations, and with a hope of awakening a more general interest and correspondence on the subject, the Committee recommend the establishment of a Church Sunday School Convention for the Diocese of Toronto. This Convention should meet annually (or oftener if desired) at some central and convenient place—that all clergymen, superintendents, and other friends of Sunday Schools should be invited to attend—that, in order to secure a general representation, each congregation where a Sunday School is established in the Diocese should be requested to send one or more delegates chosen by the superintendent and teachers of the Sunday School—that members of Convention should bring with them all the information they could collect on the management and wants of Sunday Schools—and that, at the meeting of the Convention, papers should be read, and addresses delivered bearing on the subject. \* \* The Council therefore recommend that the authority of the Synod be given for the summoning of such Convention.—Session of 1870, page 190. This report was adopted,

Sunday appointed, but the report was not revised, so Committee members of, and to make time be libraries of 1870, (page make the changes: furnished on tools. The which may be before the by which living each improved adopted in individual spondence ment of a into. This at some intendents, to attend— congregation should be erintendent Convention lect on the the meeting delivered commend that g of such as adopted, (page 64) and the authority to hold the Convention granted. From the report of the Committee laid before the Synod in 1871 and adopted, (page 138) we make the following extract:—"The project thus approved by the Synod was carried out during the year with a large measure of success. A Diocesan Sunday School Association was formed, and a Constitution adopted and approved by the Bishop. The Convention was duly held, and was attended by about one hundred Clergy and fifty Lay-delegates. The programme was successfully carried out. The following synopsis of results was drawn up by the Committee at the close of the meeting, and may be regarded as embodying the general feeling of the Convention on the several topics, as elicited by the discussions.

*I.—Relation of Sunday Schools to the Church, and the Duty of the Church to the Sunday School.*—This Convention, considering the insufficiency of clerical ministries, and the too general neglect of parental teaching, regards the Sunday School as an indispensable instrumentality of the Church System, and that the teachers, superintendents, and other officers, as auxiliaries to the Clergy in the training of the lambs of the flock, should be in their exclusive selection and appointment.

*II.—Duties and Responsibilities of Teachers, and the Discipline of Scholars.* It is the conviction of this Convention that teachers of Sunday Schools should be persons of sincere piety, studious, and persevering; while the children are to be governed and managed in a spirit of patience and love.

*III.—Duties of Parents to the Sunday School, and the Relation of Sunday School to Parents.* (1) Sunday Schools do not exonerate parents and sponsors from the discharge of the solemn duty of instructing the children entrusted by God to their charge, in the sacred truths of the Gospel; but that the Sunday School is to be regarded as an integral part of the Church's work, in that the teachers are the assistants of the Parish Clergymen, appointed by him, and acting in closest concert with him. (2) Parents are bound to take an active and personal interest in the teaching of the Sunday School, not only in seeing what lessons their children learn, but also in being present, when possible, at the public catechizing by the Clergyman. (3) It is the duty of the parents to provide, by liberality in contributions for the purpose, the necessary books, &c., of instruction; that these contributions should not be made through the children, but that all offerings made by the children should be devoted to the Missionary and other objects of the Church. (4) It is also the duty of the congregation to provide the means of enabling the children to meet in some suitable place which will be at once cheerful and pleasant, that the children may thus be induced, not only to attend themselves, but also to bring in others with them.

*IV.—Illustrative Teaching.* The system of object teaching, and of black-board teaching, may, in the hands of a judicious teacher,

prove a most valuable auxiliary in Sunday School instruction, and may be most profitably employed for a short time at the conclusion of the ordinary lessons.

*V.—Management and Instruction of Infant Classes and their Accommodation.* The establishment of separate infant classes, for the very young pupils in each Sunday School, and for whom a special system of instruction is needed, should be regarded as an important object to be attained. For such a class a separate room should be provided, fitted with picture cards, texts, and decorations, well lighted, and of cheerful aspect. Great care must be exercised in the selection of the teacher of this class, who requires peculiar qualities and abilities, and a real love for the work and for children. Black-board and object teaching should form an important feature in the work, and special attention should be bestowed on the singing and the other devotions, which should occupy much of the time of the class.

*VI.—Catechizing, and the extent to which it should be used* (1) The practice of catechizing in the public congregation by the Clergyman of the parish, may, with advantage, be revived in many Churches of the Diocese. (2) Preliminary instruction upon the proposed subject of examination is essential to the useful employment of this mode of impressing the truths of our religion upon the mind; and it should be the aim of the catechist, in the public exercise of his office, to render it useful not only to the young catechumens, but also to the adult members of the parish, who may often be influenced to even a greater extent in this manner than by formal sermons. (3) The proper subjects for catechizing are passages of Scripture selected with this view by the Clergyman, and the summary of doctrines contained in the Church Catechism and the Creeds.

*VII.—Teachers' Meetings.* (1) That such meetings should be weekly, if practicable, and monthly at furthest. (2) At such meetings, instruction should be given not only bearing upon the actual lessons to be taught in the school, but upon such other ecclesiastical matters as may enable the teachers to impart information to their pupils upon such subjects connected with the Liturgy and Services as may enable the children with more understanding to join in the worship and ordinances of the Church.

*VIII. Sunday School Libraries and their management.—Sunday School Papers.* (1) The Sunday School Library is a portion of our work which deserves and requires the most careful study and attention, and it is of the utmost importance that the best system of management should be adopted. It is also deemed that great good may be effected by the circulation of suitable newspapers and magazines for the children.

*IX.—On the past success of Sunday Schools.* The ascertained results of the Sunday School system, while many failures are recognized, afford abundant evidence that it has proved under the good Providence

of God, the means of effecting great good, and that it must be regarded as an institution which should be fostered and established as a permanent branch of Church work.

*X.—Mission Schools—their importance and the mode of their Establishment.* The work of the Church in the rescue of souls may be in a most important degree advanced by the establishment of Mission Schools in localities where the more ordinary efforts appear to fail in reaching the people, and especially in the back streets of cities, and the more remote parts of the country parishes. Such schools, where judiciously founded, may afterwards prove to be the beginning of additional parishes, and a most effectual means for the spread of the Church with all her blessings.

*XI.—Character and quantity of the Music and Singing to be desired in Sunday Schools, and the opening and closing Prayers.* In the selection or preparation of forms of prayer or praise for Sunday School services, regard should be carefully had to the character of the services of the Church in which the children are being trained to worship. On this principle, we should use such forms of prayer as are either responsive, or cast in the form of short collects; while, in praise, it is desirable to chant the canticles or the Psalms of David, and to sing hymns which are specially suited for children, as well as those which are used in our Churches.

[The Committee's suggestions were as follows :

*Local Associations.* The subject of Sunday Schools should frequently form the topic for discussion in ruridecanal meetings, and where found practicable, local associations of clergy and teachers should be formed to promote the Sunday School work in the several rural deaneries.

*The Support of Sunday Schools.* The Committee \* \* \* record their sense of the necessity for recognizing the principle that the money required for the efficient maintenance and accommodation of the Sunday Schools should be furnished by the congregations to which they are attached, and that the money contributed by the children and teachers should be devoted to the missionary or other work of the Church.

*Uniform Lesson Scheme.* Every school will accomplish its work with more satisfactory results, if its teaching is conducted according to a scheme previously arranged for the year. This is done in some schools. \* \* \* It is a matter of considerable importance to induce the schools to adopt a uniform scheme of lessons, so that the entire Diocese should, on the Sunday, take the same subject of instruction in the Sunday Schools, as we use the same Psalms and collects in our Church service. The children should have their separate lessons according to their capacity and attainments, but there may be a uniform scripture subject, and to a great extent uniform subjects for catechetical lessons. \* \* \*

*Monthly Catechising.* The class or scripture lesson may be omitted or shortened once a month in order that the clergymen may take twenty minutes for the purpose of catechising the whole school.

*Short Address each Sunday.* It would add much to the value of lessons, where uniform lessons are given throughout the school, if the clergyman or superintendent would give them a practical application at the close of each Sunday's work in a very short address.

*Liturgy and Hymns.* The prayers used in the schools should be chiefly of the responsive character, both as being adapted to retain the attention of the children, and to accustom them to that feature of our church service. The "Order of Prayers for the use of Sunday Schools," authorized by the Bishop and published by Mr. Rowsell, is well adapted to that purpose. There should be at least three hymns or chants sung during the school session: one at the opening, another in the middle, at change of lesson, and one at the close.

*Register Books.* The following are recommended: 1. The Teacher's Roll Book. 2. General Class Book. 3. Sunday School Register. 4. Sunday School Minute Book.

*Management of a Sunday School Library.* The Committee suggest the following plan, which is found by actual experience as one of the best: There should be a printed catalogue in pamphlet form. Each volume is numbered, and has a separate compartment in the library numbered to correspond. Each scholar is provided with a catalogue and two library cards. Card No 1, has the name of the scholar, number of class and name of teacher, and when handed in by the scholar occupies the compartment in the library from what the book given to him was taken. Card No. 2, has name of the scholar, number of class and name of teacher, with spaces left for numbers of books required for a year or shorter period. Card No. 2 always accompanies the book in possession of the scholar.

Exchanging books is thus managed:—Each scholar gives in at the time appointed his book, with Card No. 2. During the School session, the librarian sorts the books *by classes*, scoring out the number of the book given out on Card No. 2. Immediately before closing the school, the librarian leaves the books for each class with the teacher, who distributes them to the scholars.—Session of 1871, p. 141.

[*NOTE*—The regulations adopted by the Committee, under which books are given to Sunday Schools, are as follows:—

i. *A first free grant* of Bibles, Testaments, Prayer Books, Catechisms and Library Books, from the Christian Knowledge Society Catalogues and other books circulated by the Committee since it was constituted, to the value of from \$2 to \$6 (at the discretion of the Committee), will be made to every newly-established Sunday school in any parish or mission in the Diocese.

ii. *A second free grant* from the same lists, but not exceeding \$4 in value, will be made to Sunday Schools in new or poor neighborhoods, at the discretion of the Committee.

iii. Other subsequent grants will be made, not oftener than once a year, from the same lists to any such Sunday School, to the value of double the amount, in books, of any sum not exceeding ten dollars, which may be sent on behalf of such school for Bibles, Testaments, Prayer Books, and Library Books.

iv. In all cases it will be necessary, before aid can be granted to any Sunday School under these regulations, for the party applying on behalf of such school to fill up and transmit to the Synod Office a blank form, to be furnished by it, containing, among other things, the following information :

(1.) The name of the school, parish, or mission; the name of the superintendent of the school, and the number of teachers, male and female, engaged therein.

(2.) The number of pupils enrolled in the schools, of boys and girls, and the average attendance of both kinds of pupils each Sunday.

(3.) The amount which the school or congregation has contributed during the preceding twelve months towards the expenses of the school, and in what way such sum has been raised.

(4.) The number and kind of Bibles, Testaments, Prayer Books, Catechisms, or Library Books which may be required in the school.

(5.) The time when the school was established, and whether it was before aided by the Committee.

v. No grant shall be made to any Sunday School which is not in actual operation at the time of making the application on its behalf.

vi. These regulations being general in their character, may in special cases, be varied at the discretion of the Committee.—Session of 1871, page 147.

## CHAPTER XLV.

### Church of England Separate Schools.

[**NOTE.**—In the primary charge of the late Bishop Strachan delivered in 1841, he thus stated his objections to a “bill for the establishment of Common Schools,” which had been submitted to the Legislature in that year, “which, in its provisions [he said], seems studiously to avoid all reference to religion, and by which the Clergy are virtually excluded from any control over the education of the children of their congregations, while it invites ministers of various denominations to participate in their management and direction, and thus to sanction a system destructive to all principle.” The Bishop petitioned against this measure and made the following proposition to the Legislature: “that the education of the children of our own Church should be entrusted to their lawful pastors, subject only to such regulations as may ensure uniformity in the secular branches of

study; and that an annual grant from the assessments raised, proportioned to the number of children ascertained to belong to our communion, be awarded for their instruction."—Charge of 1841, page 27.

[NOTE.—The Bishop, in his next Charge, delivered in 1844, thus refers to the proposition which he had made to the Legislature: "With this reasonable request there was a disposition to comply, as appears from the eleventh section; but the Act was found contradictory and impracticable \* \* \* I petitioned again when the new School Act [of 1843] was under consideration, praying that the sum appropriated by the Legislature for the use of common schools might be divided among the recognized denominations of Christians, in proportion to their respective numbers, or in proportion to the funds raised by each or from a combination of both. \* \* \* No notice was taken of this application: the former law of 1841 was dropped, and a new statute enacted, in which, throughout all its 71 clauses, there is no reference to Christianity. The only notice of religion is in the 54th clause, which enacts that no child shall be required to read or study in any exercise of devotion or religion which shall be objected to by his parents or guardians; and in the 55th clause, where it provides that separate schools may be established for the Protestants and Roman Catholics in any locality, thus confounding the Church of England with the myriads of Protestant denominations, and depriving her of any benefit which she might derive from this enactment, while such benefit remains to the Roman Catholic."—Charge of 1844, pages 39, 40.

[NOTE.—The Bishop did not refer to the subject in his next charge, delivered in 1847, but in that of 1851 he said: "Schools are established throughout the Province \* \* \* but, not being based on a recognition of the Scriptures, cannot possess God's blessing. It is, however, but justice to say that the Normal School, since its first establishment [in 1847] has been conducted with ability and success; and where it has failed, it has not been the fault of the teachers, but of the principle on which it rests. It may further be remarked, that the Chief Superintendent has been diligent in his office, and seems to have done all the law permitted to introduce something of religious feeling and knowledge, by adopting the books made use of by the Irish Board of Education. So far, therefore, he deserves commendation; and indeed what is wanting in the system is not to be attributed to him." \* \* \* We must petition the Legislature for separate schools. In the meantime, it will be our duty to establish a Church school at every church or station, and also a Sunday School, both of which to be under the care of the resident clergymen, whose duty it will be to see that the instruction is on the Church system, upon which she speaks most decidedly. Whenever she treats of education, she means catechizing as the principal part. This she takes as her standard, from the practice of the primitive Churches. (Charge of 1851, pages 41, 42.) At the first meeting of the Synod in the same year (1851) the following resolution was passed:]

1. That this meeting desires to express its sense of the paramount duty of connecting religion with secular education; and, in order to carry out this obligation, they deem it to be necessary to petition the Colonial Legislature to permit the establishment of separate Church schools; and that the assessments ordinarily paid by churchmen for the support of common schools be applied to the maintenance of such as are in connection with the Church, where such appropriation is practicable and desired; and that the committee aforesaid be empowered to draft the same.—Session of 1851, page 12.

[**NOTE.**—In the Declaration of the B. N. American Bishops agreed to in October, 1851, the following passages occur:]

2. Whereas systems of education are very generally introduced and supported in these Colonies, either (1) excluding religious education altogether from the schools, or (2) recognizing no distinction between Roman Catholics and Protestants; whereby no opportunity is afforded us of bringing up the children of our communion in the special doctrines and duties of our faith, to the manifest depravation of their religious principles, and with crying injustice to the Church of England, we desire to express our decided convictions—1. That all education for the members of our Church should be distinctly based on the revealed religion of the Old and New Testaments, with special reference to their duties and privileges as by baptism regenerate, and made God's children by adoption and grace. 2. That all lawful and honorable methods should be adopted to move the Colonial Legislatures to make grants to the Church of England as well as to the Roman Catholics, and other religious bodies, as they may require it, and according to their numbers respectively, for the education of the members of their own communion.

[**NOTE.**—In his charge delivered at the next session of the Synod, in 1853, the Bishop strongly denounced the separate school legislation of that year, and said: “On reading the school laws of this Province we are struck with two things: *first*, their slavish imitation of the educational policy of our neighbours; *second*, their complete negation of everything like Christianity, while, with incredible assurance, they pretend to be based on religion. \* \* \* In a mere secular point of view, we readily admit that much has been done in Upper Canada to promote what is vulgarly called education, and we are willing to believe that many of those employed in carrying out the laws act under the delusion that they are favourable to religion. We are also disposed to admit that, so far as the Normal School is

concerned, there is much in it to approve as a nursery for teachers; because it does not altogether ignore religion, as the common schools virtually do," etc.—Charge of 1853, page 19. At that session of the Synod the following resolution on the subject was passed:]

3. That a petition, substantially the same as that formerly adopted [*i. e.*, at the last meeting, in 1851] be presented to the Provincial Legislature on the subject of common school education.—Session of 1853, pages 11, 14, 16.

[**NOTE.**—In his address before the Synod in 1854, the Bishop, in speaking of the four subjects requiring attention, asked as the third, "What further steps can the Synod adopt towards obtaining separate schools?" In reply, the Synod passed the following resolution:]

4. That the lord Bishop, as chairman of this Synod, be respectfully requested to nominate or appoint the committee to take into consideration \* \* the question of a separate school bill, as suggested in his lordship's opening address.—Session of 1854, pages 9 and 17.

[**NOTE.**—The committee was appointed, and drafted a petition to the Legislature on the subject, which was adopted (pages 28, 29). In his address before the Synod in 1856, the Bishop referred at length to the subject, and gave what he stated to be "a fair representation of the teaching of common schools in Upper Canada. The system [he said] has assumed great dimensions, and no labor or expense is spared to promote its efficiency. The system \* \* \* seems, at first sight, to have something very favourable in its general aspect. It proceeds upon the principle that the great, and indeed the first object of education, is to give men and women such instruction as shall serve the purpose of their temporal advancement in the present life, and shall make them to pursue with efficiency any calling to which they may turn their attention. And so far as it furnishes the tools and instruments best adapted for the advancement of the scholars in the arena of social competition, it promises a fair measure of success. \* \* \* The process of instruction is almost entirely secular, and confined to that description of knowledge, of the practical utility of which there can be no doubt; and Christianity and its doctrines are left to be dealt with by every one according to his pleasure. \* \* \* One new feature, which I consider of great value, and for which I believe we are altogether indebted to the able superintendent, deserves special notice: it is the introduction of daily prayers. We find that 454 [3,246 in 1870] schools open and close with prayer. This is an important step in the right direction, and only requires a reasonable extension to render the system in its interior, as it is already in its exterior, nearly complete. But till it receives this necessary extension, the whole system, in a religious and spiritual view, may be considered almost entirely dead. [The increase from 454 in 1856 to

3,246 in 1870, would have gratified the venerable prelate had he lived.] I do not say that this is the opinion of the Rev. Dr. Ryerson, who no doubt believes his system very nearly perfect; and so far as he is concerned, I am one of those who appreciate very highly his exertions, his unwearied assiduity, and his administrative capacity. I am also most willing to admit that he has carried out the meagre provisions of the several enactments that have any leaning to religion, as far as seems consistent with a just interpretation of the law.—Charge of 1856, pages 15, 16.]

[**Note.**—At that meeting of the Synod, (in 1856) a resolution, and an amendment to it, on the subject of separate schools, were introduced, viz., "That this Synod petition the Provincial Legislature to extend the right of separate common schools to the United Church of England and Ireland, within this Province: or that this Synod adopt such other means as in its wisdom may appear best suited to secure the inestimable blessing of moral and religious education for the children of the Church within this Province." The amendment to this resolution was as follows: (1), "That this Synod earnestly desires that such measures shall be taken as shall impart to the common schools of this Province a religious character, so far as in its unhappy state of religious division can be done consistently with the rights of conscience—and to that end, that all the common schools be opened and closed with prayer, and that a portion of the Holy Scriptures be daily read therein; provided always, that no child shall be compelled to be present at such prayers or reading of the scriptures, whose parents or guardians shall object to his doing so." (2). "That this Synod does not deem it expedient to seek the establishment of any other separate schools, except those which the members of the Church shall themselves be enabled to establish, seeing that in contending for separate schools as a part of the common school system, they would only be seconding the too successful efforts of the Roman Catholic Church to inculcate its system of intolerance and superstition at the public expense." After some discussion the resolution and amendments were withdrawn.—Pages 34, 35. In 1857 the subject was again introduced, and the following resolution was moved: "That this Synod do now appoint a committee of six of its members, to take into consideration the best method of advancing the general, continuous and permanent, moral and religious, (in connection with the secular,) education of the youth of this Province." In amendment to this motion the following resolution was adopted:]

5. That a committee be appointed to collect information regarding the working of the common school law, and report at the next meeting of the Synod.—Session of 1857, page 23.

**Note.**—At the June meeting of the Synod at Toronto, in 1858, a report from the foregoing committee, with a draft memorial to the Legislature on the subject, was laid before the Synod.—(Pages 47, 49.)

At the September meeting in Kingston, this draft memorial was considered, (page 138,) and a committee of six (three clergy, and three laymen,) was appointed, (page 140,) to report as to the course of action which it was advisable to pursue in petitioning the Legislature on the subject. The committee unanimously agreed to the following resolution, which was adopted, and the committee was authorized to present a petition to the Legislature on the subject.—Pages 141, 142.]

6. That a petition be presented to the Legislature at its next session, praying that such alterations may be made in the Common School Acts for Upper Canada, as shall recognize religious instructions in the schools, by authorizing the opening and closing of the schools with prayer, the reading of the Bible, the use of the Lord's Prayer, Ten Commandments, and Apostles' Creed, and the right of all denominations of Christians to impart instruction according to their religious tenets to the children of their own persuasion, at specified times, set apart for that purpose; and that if by the law, as it now stands, the members of the Church of England cannot have separate schools in cities or towns, that such further amendments be prayed for as may remove any doubts that now exist as to the right of any denomination of Protestants to have separate schools in cities and towns, on compliance with the requisitions of the 19th section of the School Act of 1850, whether the teacher of the common school in any school section in which such separate school is demanded, be a Roman Catholic or not—Session of 1858, pages 141, 142.

[**NOTE.**—In 1859 the committee again presented a report to the Synod on separate school, (page 34,) and the Chief Superintendent of Education also addressed a letter to the Synod on the subject (page 82.) The report was virtually concurred in—the Bishop having suggested, (which was agreed to,) that in case there was no remedy from the courts of law; [should the boards of school trustees in ~~other~~ <sup>other</sup> cities and towns persist in a refusal to establish Church of England separate schools,] the matter be left to the committee, in connection with the Bishop, to propose a petition to parliament on behalf of the synod; and that should the Bishop order the petition to be presented before a legal decision be arrived at, it should be so presented. (Session of 1859, pages 95, 96.) In 1860 the question of separate schools seemed to have come up *pro forma*, and the following resolution was passed on the subject:]

7. That petitions on education, similar to those presented last year, be drawn again, signed, and sent to both branches of the Legislature.—Session of 1860, page 185.

[**NOTE.**—In 1861 the following resolution on separate schools was proposed. It was strongly recommended by the Bishop and adopted:]

8. That a committee, consisting of seven members, be appointed to consider what means can be best adopted, in addition to petitions to the Legislature, to secure to the United Church of England and Ireland the right of having separate schools in towns and cities where their establishment is desirable, and their maintenance is practicable.—Session of 1861, page 284.

[**NOTE.**—In 1862 a report from this committee was laid before the Synod, and it gave rise to considerable discussion, (pages 15, 16, 29.) To the motion for the adoption of this report, an amendment to the following resolution was moved, (page 29,) declaring “that as members of the United Church of England and Ireland, in this Diocese, we do not desire to see any interference with the common school system, as established by law, or demand exclusive privileges not at present shared in equally by other protestant denominations in Upper Canada.” This amendment was negatived by a vote of 73, (forty-five clergy and twenty-nine parishes,) against 21, (nine clergy and twelve parishes.) To the motion for the adoption of the report, an amendment was made as follows: “That while the Synod contends that the Church of England and Ireland in this province, has as good a right to separate schools as the Roman Catholics, it deems it inexpedient as a Church, and detrimental to the interests of general education, to commit itself to a principle which, if once acted upon by the sects so abundant in Canada, would destroy our common school system,” (page 39.) The amendment was negatived by the same vote, and the report adopted. The committee was also re-appointed. The following is the resolution adopted as above.]

9. That a respectful memorial be again presented to the Legislature, setting forth the continued desire of the Church of England and Ireland in Canada to have separate schools in cities and towns, as stated in the resolution adopted by the Synod of June, 1861. That a committee be appointed to consider what means can be best adopted, in addition to petitions to the legislature, to secure to the United Church of England and Ireland the right of having separate schools in towns and cities where their establishment is desirable, and their maintenance is practicable. And further, to respectfully remind the Government that they seek not any improper interference with the common school system, as established by law, but claim to be entitled to the same privileges, and to have a similar measure of justice meted out to them as members of the said Church as have been accorded to their Roman Catholic fellow-countrymen.—Session of 1862, pages 32, 33.

[**NOTE.**—In 1863 no report on separate schools was presented to the Synod, but a motion on the subject was proposed as follows: "That the establishment of separate schools is inexpedient, and a violation of the principle on which the common school system of Upper Canada is founded." In amendment it is moved, "That whereas the committee appointed at the last Synod have not reported, it is inexpedient to move on this occasion in the matter, but that the committee be re-appointed, with instructions to report at next Synod." After some discussion the mover of the original motion was allowed to alter his resolution so as to read as follows: "That the establishment of separate schools is unjust and inexpedient." An amendment was subsequently moved to the amendment, which was carried upon a division, as follows:]

10. That the changes which have been introduced into the common school system of this Province, are entirely at variance with the fundamental principle of that system, as understood and accepted by the people of Upper Canada, that instead of a purely secular system of education, under which all classes should be included, undue preference and special privileges have been conferred upon a distinct class of citizens; separate schools in which religious instruction is given, being recognized as part of the government system. Against this unjust preference, the Synod enters its most solemn protest, and demands as an act of common justice that the privileges accorded to the Roman Catholic Church be freely granted to others, or that those now accorded to the Roman Catholic Church be withdrawn.—Session of 1863, page 18.

[**NOTE.**—The question did not come up before the Synod in 1864, but in 1865 the Rev. C. E. Thompson gave notice of the following motion: "That this Synod desires to reiterate its often expressed condemnation of the common school system of this Province, in its religious aspect, and to declare its conviction that neither piety nor morality can be advantageously cultivated amongst the youth of our country until distinctive religious teaching is made part of public elementary education." This motion was not brought up, but Col. O'Brien moved a resolution on ragged schools, which, at a subsequent period of the session, he consented to allow to stand over until next Synod as an amendment to Mr. Thompson's motion, on condition that it is brought up "then among the first motions." (Session of 1865, page 52.) During the session of 1866 the following resolution was passed as an original motion, Mr. Thompson not having brought up his motion condemning the public school system:]

11. That whereas by the working of the "Common School Act" in cities and large towns, the children of those members of the community reduced to pauperism, whether by misfor-

tune or sickness, or other causes of God's visitation, as well as the destitute by reason of drunkenness or other worthlessness, are virtually debarred all benefit arising from the provisions of that act ; and whereas such poor or vagrant children should be considered under the special care of the community, and are entitled to the benefit of their share of any provision made for the benefit of all children ; and whereas it is the bounden duty of all Christian bodies, as far as in them lies, to seek the welfare especially of all such poor children as have no other hope but what may arise from public charity ; be it resolved, that a petition be presented to parliament praying that such alteration in, or amendment to, the Common School Act may be made, as will enable such children to obtain their share of the benefits of the Act.—Session of 1866, pages 56, 57.

[**NOTE.**—The petition, which was adopted, was as follows:—This memorial respectfully sheweth : That under the working of the Common School Act in cities and large towns, the children of the destitute, the poor as well as vagrant children, are unable to derive any benefit from the provisions of that Act. That such poor or vagrant children, whatever may be the circumstances which have placed them in that condition, are entitled to the benefit of their share of any provision made for the benefit of all children. That it is the bounden duty of all Christian bodies, as far as in them lies, to ameliorate the condition and seek the welfare especially of those poor children, who by misfortune or otherwise have no refuge but the charity of the public. Your memorialists therefore pray that such alterations in or amendments to the Common School Act, as shall in your wisdom enable, in cities or large towns, any church, congregation or benevolent society establishing a poor or vagrant children's school, to obtain, for the support or in aid of such school or schools, such share of local taxes as under the provisions of the Act it would be entitled to according to the number taught there. But your memorialists would deprecate any money being appropriated for the purpose of erecting any building for such schools.—Session of 1866, pages 56, 57.]

[**NOTE.**—In 1867 the subject was not brought up ; but in 1868 the following notice of motion was given by Col. O'Brien : “That whereas by the actual working of the ‘Common School Act’ in cities and large towns, the pauper, vagrant and outcast children are, unintentionally no doubt on the part of the framers of the Act, virtually debarred all benefits arising from it ; and as they are as fully entitled as any others to their share of a provision made for the benefit of all, Be it resolved, that a petition be presented to the Provincial Legislature, praying that such alterations in, or amendment to, the Common School Act, may be made, as will enable such poor children to participate in its benefits. Also that a committee be named for the purpose, under his lordship's direction, of obtaining the co-operation

of our sister Dioceses of the Province, as well as of all other bodies or denominations taking an interest in the matter." (Pages 56, 57.) Subsequently the following resolution was passed :]

12. That a committee be appointed to consider the condition of the young vagrant population of the Province, with a view to their moral and intellectual improvement ; and that Col. O'Brien's resolution, and the memorial appended thereto be referred to said Committee.—Session of 1868, page 65.

NOTE.—The Committee appointed never met, and therefore no action was taken on the subject, and it dropped. It was not brought before the Synod in 1869, 1870 or 1871. In 1872, speaking of the increasing spread of the evil, and of the duty of the Church, under her Divine Master, to cope with it, the Bishop remarked :

" Her work is, confessedly, to lead fallen man to the true source of pardon, and to teach him to aim at the recovery of the moral image in which he was at first created. If the passions, and prejudices, and divisions of professing Christians themselves are a distressing hindrance to the attainment of this noble and dutiful aspiration, we have much in the condition of the world around us to warn and rouse us to a vigorous and united effort to arrest the increasing tide of sin and crime. The developments of a grossly evil spirit at the present day fill us with horror and alarm ; the profligacy and wanton cruelty of which we hear so many instances, make us tremble for our social peace and safety. It is but right to enquire to what all this enormity of wickedness is traceable, that we may come if possible to the remedy. That is largely to be ascribed, as all must be persuaded, to the neglect of religious instruction in early life ; to the contentment of peoples and Governments to afford a shallow secular education, without the learning of religious truth, or the moral obligations that it teaches. The child taught and trained for this world's vocations only, without a deep inculcation of the love and fear of God, and the penalty hereafter of an irreligious and wicked life, will have but one leading idea—self-aggrandizement and self-indulgence, and will be checked by no restraint of conscience in the way and means of securing them. Gigantic frauds will be perpetrated, if riches can thus be acquired ; atrocious murders will be committed, if these will remove the barrier to unholy and polluting connections, or cast out of sight the objects of jealousy and hatred. I have no disposition to reprobate this defect in the system of education, prevailing with the authority and support of Government among ourselves. I know the difficulty, the almost impossibility, of securing the temporal boon with the addition of the spiritual ; how hard it must prove in a divided community to introduce among the secular lessons which are meant for usefulness and advancement in this world, that lofty and holy teaching which trains the soul for heaven. The irreverent and fierce assaults recently made upon a praiseworthy effort of the Superintendent

of Education in this Province to introduce a special work for moral and religious instruction amongst our common school pupils, testify too plainly the difficulty of supplying the want. I have confidence in the good intentions and righteous efforts of that venerable gentleman to do what he can for the amelioration of the evils which the absence of systematic religious teaching of the young must induce; so that we may have a hope that, from his tried zeal and unquestionable ability, a way may be devised by which such essential instruction shall be imparted, and the terrible evils we deplore to some extent corrected."—Session of 1872, pages 33, 34.]

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## CHAPTER XLVI.

### *Intemperance, and an Inebriate Asylum.*

[**NOTE.**—This subject was first brought before the Synod in 1857, by the Rev. Dr. Shortt, by notice of the following motion, which was adopted in 1858.—See session of 1857, page 28.]

1. That a committee be appointed to consider the best subsidiary or auxiliary means of lessening the amount of drunkenness, and aiding in the reformation of the inebriate, and his restoration to society; and to report at the next meeting of the Synod.—Session of 1858, pages 60, 61.

[**NOTE.**—In 1858, the subject of the establishment of an asylum for inebriates was also brought before the Synod, and the following resolution was adopted.]

2. That a petition be presented to the Legislature by this Synod, praying for the establishment of an hospital or asylum, in which inebriates may be received and receive such treatment as may restore them to sobriety, and to a healthy mental and bodily condition.—Session of 1858, page 143.

[**NOTE.**—In 1859, the Committee on Temperance submitted an elaborate report on the subject, (pages 54–65,) which was adopted, as well as a petition to the Legislature, praying for the establishment of an asylum for inebriates, and suggesting amendments to the law with a view to restrain drunkards.—Pages 88–89. A memorial from the Grand Division of the Sons of Temperance was presented to the Synod, and acknowledged.—(Pages 27 and 101.) The subject was suffered to remain in abeyance until 1862, when it was again brought up by Dr. Bovell, and the following resolutions passed:]

5. That this Synod, through the lord Bishop of Toronto, shall memorialize the Legislature to establish an asylum for the reception of those who are victims of intemperance, and also to express the conviction that the evils flowing from intemperance are so vast, both with reference to the welfare of the present and the future inhabitants of this province, that it would be an act of great wisdom to appoint a commission to inquire as to the best and most effectual mode of discouraging the habitual and inordinate consumption of alcoholic drinks.—Session of 1862, pages 37, 38.

6. That a committee be appointed with reference to the subject of the erection of an asylum for inebriates.—*Ibid.*, page 38.

[*NOTE.*—In 1863, a report from the committee on the erection of an inebriate asylum was laid before the Synod, and adopted.—(See pages 15, 18 and 24.) A motion was also made by Rev. Dr. Shortt, to the following effect, but it was, after considerable discussion, withdrawn at the suggestion of the Bishop: “That in the opinion of this Synod, the pledge of total abstinence from all that doth intoxicate, is not inconsistent with the requirements of the Church.” To this an amendment was moved to the following effect: “That this Synod feel it to be a duty incumbent on every member of the Church, to discourage the ruinous vice of intemperance in every legitimate manner, and to inculcate the practice of sobriety on the high motives of christian principle and christian obligation.” The original motion having been withdrawn, the amendment fell to the ground. In 1864 the motion was again brought before the Synod, and the following resolution on the subject was proposed: “That the practice of total abstinence from the use of intoxicating liquors, as an article of ordinary diet, hospitality or luxury, is a practice to be commended in those who feel it their duty to adopt it, especially as affording a good example to youth.” To this resolution an amendment was made as follows: “That in order to mark the extreme displeasure with which the Church regards the soul-destroying vice of intemperance, it is desirable that a canon should be passed, authorizing the clergy to refuse to receive at holy communion, any one who is known to be living a life of habitual intemperance.” To this amendment a second amendment was proposed and adopted, as follows: ]

7. That this Synod, though not pledging itself to any definite action in reference to the subject of the original motion, would express its approval of all proper means, adopted by members of the Church, individually and collectively, for the suppression of intemperance.—Session of 1864, pages 24, 25.

[**NOTE.**—The subject did not again come before the Synod until 1868, when a motion of the Rev. Rural Dean Allen was adopted, as follows: ]

8. That a petition be adopted to the Governor General, and both Houses of the Legislature of Canada to establish an asylum for the reformation of inebriates in this Dominion.—Session of 1868, pages 61 and 69.

[**NOTE.**—In 1869, a memorial from the Canada Temperance Union was laid before the Synod, and a committee was appointed to consider and reply to it. The report of the committee was adopted, as follows: ]

9. That the Synod will unite with the Memorialists in deplored the evils inflicted by intemperance upon our country, and will hail with deep satisfaction any and every right and Christian effort having for its object the diminution of those evils. The Memorialists may rest assured that the Synod of the United Church of England and Ireland will always sympathise with them in any effort for the abolition of vice and the increase of public virtue.—Session of 1869, pages 27, 74, 79.

[**NOTE.**—In 1872, the Ontario and Quebec Temperance Leagues presented a memorial to the Synod on the subject of temperance, which was referred to a committee, and the following resolution on the subject passed :]

10. That the Honorary Lay Secretary be requested to communicate with the gentlemen who have addressed this Synod on behalf of the Ontario and Quebec Temperance Leagues, to inform them that their addresses have been received with respectful attention by the synod and have been referred to a committee with a view to their reporting thereon at the next meeting of the Synod,—Session of 1872, page 53.

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## CHAPTER XLVII.

### Ministration in Gaols and Reformatories.

[**NOTE.**—In his charge delivered before the Synod in 1853, the Bishop refers to his confirmation visit to the Provincial Penitentiary in September, 1852, as an event of “more than common interest.” He says: “At nine o’clock precisely I attended the Provincial Penitentiary. Being limited as to time by the regulations of the institution, I directed the litany to be read by one of my attending clergy. I

then baptized twenty-two of the convicts and confirmed one hundred and one. There was no time for a sermon, but I addressed them affectionately and encouragingly as long as the time allowed. Great credit and praise are due to the Rev. H. Mulkins, chaplain to the Penitentiary, for the extraordinary pains and labour he had taken in preparing these candidates for confirmation and baptism. They seemed willing and intelligent, and, I trust, many were serious and well prepared."—Charge of 1853, page 8.]

[NOTE.—In 1858, Sheriff Corbett proposed to bring the subject "of providing for the ministrations of religion" in the Kingston gaol before the Synod, but no formal action was taken on it (page 139). In 1860 the following resolution, on motion of Rev. S. Givins, was passed:]

1. That the lord Bishop be respectfully requested to appoint a committee to inquire into, and report to the Synod what steps can be taken to insure the ministrations of religion in the asylums, gaols, and reformatory institutions in this Diocese.—Session of 1860, page 185.

[NOTE.—An elaborate report on this subject was prepared and laid before the Synod at the same session, and adopted (pages 190, 192). In this report the committee felt "it to be their special duty to call attention to the fact that the inspectors of prisons concur in expressing their painful sense of the absence of any proper provision for the religious instruction of the prisoners. Of the many causes which have hitherto contributed to render our prisons nurseries of vice, rather than reformatory institutions, this is assuredly among the most important. Without religious instruction, no system of discipline, however admirable, can avail to effect the reformation of a prisoner. In cases of protracted confinement, as in the Provincial Penitentiary, the opportunities for bringing religious instruction, and the friendly counsels of a Christian minister, to bear upon the most hardened criminals, with good hope of the best results, are great. But though these chaplains have been provided, the evidence of the inspectors leads to the belief that the opportunities thus afforded have hitherto been very partially turned to account," etc. In 1861, the following explanatory resolution was adopted :]

2. That having heard the explanations of the Rev. Chaplain of the Provincial Penitentiary, as to the arrangements made for religious instruction in that institution, this Synod fully recognises the efficiency with which the duties of the Chaplain's said office have been fulfilled. That the report of the special committee at the last session of the Synod of reformatory institutions of the province, in so far as it contains, or may be supposed to contain, reflections on the Chaplain of the Provincial Penitentiary, be rescinded and erased from the records of the Synod.—Session of 1861, page 295.

[**NOTE.**—In 1867, the subject of a female reformatory was brought before the Synod by the Rev. E. C. Cartwright, and the following resolution was passed :]

3. That the Rev. S. J. Boddy, Mr. F. W. Kingstone, and the mover be a Committee to draw up a petition for the establishment of a Female Reformatory, and to present the same to the Government on behalf of this Synod.—Session of 1867, page 67.

## CHAPTER XLVIII.

### *Parochial and Diocesan Statistics.*

[**NOTE.**—Appended to the Bishop's charge (at his Visitation in 1844), will be found a comprehensive statistical table, containing information from about one hundred Parishes and Missions then in the Diocese. Except the information contained in the Church Society Reports, no further statistics have been furnished for publication. In 1861, a committee on "Parochial Statistical Reports," (the appointment of which is not recorded in the minutes), brought in a report to the Synod on the subject, which appears to have been adopted, and "recommended to the Clergy for their future guidance." (See pages 302, 303.) In 1862, the question was again brought before the Synod, and the following resolution on the subject (moved by Rev. Dr. Fuller) was adopted :]

1. That it shall be the duty of **every** incumbent of each parish or mission within the Diocese to furnish the Secretary of the Synod, at the opening of the business of the Synod, with a parochial report, giving the name of the parish, the name of the incumbent, and the name or names of the assistant minister or ministers, if any, the number of families, of individuals, the number of communicants on the parish roll, the number added since last report, the number who have died, the number who have removed from the parish, the number who have ceased to be communicants; how often divine service has been performed on Sundays, on week-days, the average attendance on divine worship in the morning, in the evening, on week-days; the number of parochial visits paid by the clergy, the number of visits paid by his district visitors, or their lay assistants working in the parish; the number attending the parochial school—if there is one in the parish, and the average attendance since last report, the number of paid teachers employed therein, the number of unpaid teachers who

voluntarily assist in the work of the school, the number of Sunday schools, the number of teachers, (1 as male, 2 as female,) the number of male children on the roll, number of female children, the average attendance since last report ; the number of males and the number of females confirmed ; what church and what parsonages are in the parish or mission, whether log, frame, brick, or stone, whether they are clear of debt or not, if in debt, the amount of such debt, whether insured or not. The amount of money raised in the parish since last report : 1st, for salary of incumbents and assistants ; 2nd, for the purpose of paying off the debt on the church and parsonage, and insurance on the same ; 3rd, for the poor of the parish ; 4th, for objects for which collections have been taken up under the direction of the lord Bishop ; 5th, for Synod dues ; 6th, for extra parochial and extra diocesan purposes, and whether the deeds for the property belonging to the parish and mission have been obtained, and whether such deeds have been registered or not. That such reports be read by the Secretary of the Synod, and that a committee be appointed to draw up a report on the state of the Diocese, based upon the information afforded by these parochial reports, and that a committee be named by his lordship to draw up such a form, have them printed and furnished to the clergy of the Diocese, to be filled up by them.—Session of 1862, pages 42, 43.

[NOTE.—In accordance with the foregoing resolution, the Bishop issued a circular letter (with form of report) to the clergy in April, 1863. In that circular he said: "Fully persuaded that the best interests of the Church demand that the fullest information should be afforded on the different points embraced in this form, I have to request every clergyman in charge of a parish or mission in this Diocese to furnish me with the required information, arranged under the different heads."—See *Church Chronicle* for April, 1862, pages 2 and 3. In 1863, further parochial statistical information being deemed necessary, the following resolution was passed.]

2. In future an annual report, duly authenticated, be made to the Synod giving an account of churches, parsonages and endowments, in course of erection or formation in the parishes or missions of the Diocese.—Session of 1863, page 17.

[NOTE.—In 1864 the matter was again brought before the Synod by Dr. Hodgins, and the following resolution authorizing the appointment of a standing committee on statistics, was, on his motion, passed :]

3. That a standing committee on Parochial and Diocesan Statistics be appointed. The duty of the committee shall be

to collect from the various documents obtained throughout the Diocese, under the authority of the Bishop, or this Synod, such statistical information relating to the state and progress of the Church of England in the Diocese as it may deem advisable. This information, when compiled, to be presented annually to the Synod in a condensed and systematic form, for publication in the appendix to the minutes. The committee shall further see that the necessary blank forms of reports, which may be required for giving effect to this resolution, be duly prepared and sent out.—Session of 1864, page 31.

[**NOTE.**—In 1865 this Committee presented a report which was adopted (page 35 and Appendix); also in 1866 (page 58); in 1867 (page 61); in 1868 (page 34.) In 1868, the Bishop, in his address to the Synod, thus referred to the importance of furnishing the statistical information asked for: “In furnishing you with such information as it is in my power to offer, let me urge upon my brethren of the clergy the obligation and the benefit of supplying, for the information of the Church generally, that knowledge of its condition and progress which would be afforded by an explicit and accurate reply to the questions which are annually transmitted to you through the Rural Deans. And it would be very advantageous if the clergy generally, those especially who are pursuing labours of a more peculiarly missionary character, would transmit to me annually a brief record of such incidents and events connected with the progress of the Church, as could be brought before our people at missionary meetings. We require on these occasions, as all must feel, something more than the declaration of abstract principles,—the fact of destitution, and the duty of supplying it. We should be benefitted in our appeals, by evidences adduced of the growth and influence of the principles of the Church,—by practical testimonies of an appreciation of her ordinances—by incidents in the lives and deaths of our members which would shew the strengthening and soothing power of the ministrations we are commissioned to supply—by all that can be adduced to attest that it is a living and reviving work which our laity are asked by their pecuniary aid to forward. If such were furnished before, or not later than the meeting of the Synod in each year, there would be time for such condensation or selection as could be furnished to our Church Society deputations, and materially strengthen their hands.

—Session of 1868, page 19.]

[**NOTE.**—In 1869, the Bishop thus expressed his regret at the meagreness of the statistical returns sent in, and urged the necessity and duty of giving the information asked for: “I have again to express my regret at the incompleteness of the statistical returns from the several parishes of the Diocese; and, especially, that so many have failed to send any. Every clergyman, I feel assured, must regard it as his duty to furnish such reports; and negligence, he must admit,

is unpardonable, when these are desired by his Diocesan, and in accordance with the voice of the Church itself, expressed by its Synod. The Church, in this capacity, has a right to know what has been done by every clergyman; and every Bishop has a right to ask from his clergy an annual statement of the results of his ministrations as conveyed in answers to the questions which are required to be filled up. The Church at large loses much from the absence of specific details of his work. We are thus in the dark as to the proceedings and progress of one another; our actual strength cannot be ascertained nor the evidence of our activity developed; and where accusations of declining vigor and failing influence are here and there asserted by professed friends as well as by enemies, we have no satisfactory answer to give them. But I am persuaded that I need say no more on this subject, believing that when the clergy regard it—for it should be so regarded—as a *duty*, there will be no future complaint of negligence in this particular.—Session of 1869, page 22.]

## CHAPTER XLIX.

### Synod Assessment.

[**NOTE.**—In 1853 the subject of Synod expenses was brought before the Synod by Rev. T. S. Kennedy, one of the clerical secretaries. He said: “No plan for providing the requisite sum had been decided upon, but some step would be taken towards that object” (Session of 1853, page 19). In 1854 the following resolution was passed on this subject:]

1. That this Synod having incurred expenses, it is necessary that they be defrayed; therefore an assessment of £5 on city churches, £3 on town churches, and £1 on rural congregations, be levied, to be devoted solely to the expenses of the Synod.—Session of 1854, page 30.

[**NOTE.**—At the next meeting of Synod (which did not take place until 1856), the following resolution was passed:]

2. That this Synod being obliged to incur expense in the discharge of its business, it is resolved that an annual assessment of £5 on city churches, £3 on town churches, and from £1 to 10s. on rural congregations, be raised (to be devoted only to the expenses of the Synod), and brought up by the lay delegates.—Session of 1856, page 39.

[**NOTE.**—In 1857, the system of Synod assessment then in operation was changed, and the following regulations on the subject were embodied in the constitution, which was adopted in that year:]

3. The expenses of the Synod shall be provided for by assessment upon the different parishes, by a committee appointed for that purpose. There shall be a Treasurer of the Synod, who shall receive and disburse all moneys collected and paid under its authority; and two auditors, who shall annually inspect and report upon the condition of the accounts.—Sections 12 and 13 of the Constitution, adopted during the session of 1857, page 32.

[**NOTE.**—In 1858, S. B. Harman, Esq., the first treasurer of the Synod, presented his report at the Toronto session in June, which was adopted. This report showed that the total assessment for the three years of 1854, '6 and '7, was \$1,653; receipts \$687.45; expenditure \$791.45.—Toronto Session of 1858, pages 50–53. At the Kingston session, in September of the same year, the committee on the “expenses of Synod, and assessment” presented their report, which was adopted. In this year the following addition was made to the Constitution :]

4. The assessment shall \* \* be received from the representatives of parishes, after the rule fixed by the committee appointed for that purpose, and no representative shall be permitted to act as such until the assessment is paid.—Sessions of 1858, at Toronto, and Kingston, pages 61 and 137.

[**NOTE.**—In 1859, the Assessment Committee brought in a report which was amended and adopted (pages 51 and 96). The Treasurer and Auditors’ reports were also presented (page 74). In 1860, a revised Constitution was adopted, from which we make the following extracts:]

5. There shall be a Treasurer of the Synod, who shall receive and disburse all moneys collected and paid under its authority; and two auditors, who shall annually inspect and report upon the condition of the accounts. A finance committee shall be appointed annually, to fix the assessment to be levied from each parish for the ensuing year. The current expenses of the Synod shall be defrayed under the joint authority of the Secretaries and the Treasurer. \* \* \* No representative shall be permitted to act as such until the assessment upon his parish is paid.—Sections 13 and 14 of Title I., and the latter part of Section 2 of Title II., Session of 1860, pages 146, 147.

[**NOTE.**—The usual reports on assessment and finance were presented to the Synod and adopted in 1860, 1861 and 1862. In 1861, the first year in which the Provincial Synod met, \$60 were paid as the assessment for the Toronto Synod. In 1862, the following resolution was passed :]

6. That the assessment for the expenses of the Synod be the same as last year; and that the Executive be directed to provide for the expenses of the Provincial Synod *pro rata* on the several parishes.—Session of 1862, pages 41 and 45.

[**NOTE.**—No reports on the subject were submitted in 1863, but they were submitted and adopted in 1864. The following recommendations of the committee on assessment and finance were also adopted:]

7. That the balance in hand, after the expenses of the present session shall have been defrayed, be handed over to the Mission Board; and the assessment for the ensuing year be the same as that of the present financial period.—Session of 1864, page 24 and 27.

[**NOTE.**—This recommendation was not acted on in 1864. It was repeated in 1865, in connection with the report presented, (pages 21 and 31.) It was not acted on in 1865; but the recommendation was received in 1866, (pages 34 and 36.) In 1867 the Treasurer and Auditors presented their reports, but no report was presented from the Assessment and Finance Committee, (pages 30 and 31,) nor was the foregoing recommendation acted upon. In 1868, the usual reports were presented and adopted, (pages 31, 47 and 68.) The following resolutions, in the form of a report from a Committee for procuring rooms for the Synod, were adopted:]

8. That with a view to provide funds for the erection of a Synod House, an additional assessment, sufficient to produce \$500 be imposed, *pro rata*, on the several parishes in this Diocese. That the proceeds of this assessment, together with all balances of Synod-moneys left over each year, be invested in Provincial, county, city, or township debentures, until a sufficient amount be accumulated to warrant the Synod in proceeding with the erection of the building, or in borrowing the sum necessary to enable them to do so. That the Assessment and Finance Committee be requested to revise the assessment levied by them on the several parishes of the Diocese, and report to the Synod during this session.—Session of 1868, pages 34, 47, 67 and 68.

[**NOTE.**—In 1869 usual reports were presented and received. The constitution was also revised and adopted temporarily; and a permanent Secretary-Treasurer was appointed under it, (pages 64 and 85.) The provision of the constitution in regard to an Assessment Committee was as follows:]

9. The Finance Committee shall consist of four clergymen and four laymen, members of Synod, whose duty it shall be to assess the several parishes and missions of the Diocese for all purposes required for the expenses of the Synod.—Section 24 of the Constitution adopted, Session of 1869, page 88. See also Sections 5 and 32, (pages 83 and 89.)

NOTE.—In 1870, the Finance Committee reported their revised assessment, (pages 39, 74 and 106,) which was adopted. A recommendation in that report was also adopted as follows:]

10. That in future the expenses of the Synod be borne respectively by the several funds in equitable proportions.—Session of 1870, pages 74 and 107.

[NOTE.—In 1870 the Constitution was further revised, under the Act of Incorporation, and adopted permanently. The provisions in regard to Assessment and Finance are as follows:]

11. The General Purposes, Statistical and Assessment Committee shall consist of six Clergymen and six Laymen, members of the Synod, whose duty it shall be to provide means for the collection of, and to collect, the General Purposes Fund, so far as they can in pursuance of the By-laws of the late Church Society, and to manage the said Fund of the Synod on the same trusts upon which it was held at the time of the incorporation of the said Church Society with the Synod, or in accordance with any By-law which may hereafter be adopted by the Synod, and also to prepare in tabular form the answers received from the Clergymen (having cure of souls) to the questions put to them by the Bishop of the Diocese relating to the statistics and condition of their several Cures, which shall afford (amongst other uses) a basis of an equitable Assessment for the expenses of the Diocese, and lay such table before the Synod in a convenient form for being printed as an Appendix to the Annual Report. It shall also be the duty of the said Committee to assess the several Parishes and Missions of the Diocese for all expenses authorized by the Synod, and for all other purposes for which an assessment may be ordered by the Synod.—Session of 1870, page 60 and 96.

[NOTE.—In 1870 the following resolutions were also adopted:]

12. That the proceeds of a revised assessment of the Diocese, on a scale not to exceed that of former years on the whole by more than twenty-five per cent., which the Assessment Committee are hereby empowered to make, be applied to meet

expenses directly connected with the meetings of the Synod. That for the purpose of defraying the necessary expenses incurred in the management of the several Trusts and Funds now transferred to, or that may hereafter be vested in, the incorporated Synod, whatever sum may be required beyond that produced by the rent of lands or the interest of investments held for the General Purposes of the Synod, shall be raised by an equal ratable per centage on the several Funds administered by the Synod,—Session of 1870, page 75.

[**NOTE.**—In the same year, to a proposition to pay the travelling expenses of members of the Standing committee, it was moved in amendment by the Rev. Canon Read: “That in order to place all Committees on the same footing, the travelling expenses of the Members of the Clergy Commutation Trust Committee be not paid in future.” This amendment was lost, and the following resolution was passed:]

13. That the members of the General Purposes Fund Committee, the Clergy Commutation Trust Committee, the Endowment of the See Committee, and the Widows and Orphans’ Fund Committee, be paid their travelling expenses in attending the meetings of such Committees from the funds administered by them respectively; and that the travelling expenses of the Members of the other Standing Committees be paid from the General Purposes Fund.—Session of 1870, page 60.

[**NOTE.**—In 1871 the Committee presented its report, which was adopted, (pages 42, 57 and 132.) The following recommendations were also concurred in:]

14. That, in order to meet the future expenses of managing the investments, and the proper share of the general expenses of Synod chargeable to the Rectory Lands already or in future to be sold and the proceeds invested, there be deducted from the proceeds of each and every sale (whether already effected or to be effected) a sum equal to five per cent. on such proceeds, and that the same be transferred to the General Purposes Fund Committee, to be by it invested as a Special Fund, the interest upon which shall be applied to meet the share of said Rectory investments in defraying the expenses of management. In regard to all the other Funds, your Committee resolved to levy an assessment of four cents per dollar on the receipts of said Funds for the past year.—Session of 1871, page 57 and 132.

[**NOTE.**—In the same year (1871) the following resolution was passed:]

15. That the following resolutions (in the report of the Synod House Committee) having been adopted by the Synod

in 1868, it is expedient that no further time be lost in giving them effect; and that the Assessment and General Purposes Committee be authorized and directed to carry out the first and second resolutions, viz:—(1) That, with a view to provide funds for the erection of a Synod House, an additional assessment, sufficient to produce \$500 be imposed *pro rata*, on the several parishes in this Diocese, per annum. (3) That the proceeds of this assessment, together with all balances of Synod-moneys left over each year, be invested in Provincial, county, city, or township debentures, until a sufficient fund be accumulated to warrant the Synod in proceeding with the erection of the building, or in borrowing the sum necessary to enable it to do so.—Session of 1871, page 65.

[NOTE.—In 1872, the Committee brought in a report which was adopted, including the following:]

16. That it being found that four cents in the dollar ordered to be levied on the several funds, by resolution of the General Purposes Committee, 9th February, 1871, to meet expenses, is insufficient for that purpose, a rate of five per cent. be substituted therefor, and that the same be collected on all funds under the management of the Synod.

17. In regard to the payment of travelling expenses of members of Standing Committees of Synod, your Committee recommends that the resolution adopted at the Session in June, 1870 (see Journal of 1870, page 60 [section 13 above]) be rescinded, and that all such expenses (past and future) be charged against the General Purposes Fund.—Session of 1872.

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## CHAPTER L.

### Synod House and Offices.

[NOTE.—The question of providing a permanent place of meeting for the Synod having been under consideration in 1863, it was, on motion of Rev. S. Givins, resolved:]

1. That the proposition to provide a house for the accommodation of the Synod and Church Society be referred to the Land and Investment Committee for its consideration, and report to the Church Society for its action in the matter, and that his lordship be asked to appoint a committee of the Synod to confer with the Church Society on the matter.—Session of 1863, page 17.

[NOTE.—In 1865, on motion of Dr. Hodgins, it was resolved :]

2. That a committee, selected from the Synod and Church Society, be appointed to consider the desirability of selecting a central place for the assembling of Synod, and the meetings of the Church Society, to be in a convenient part of the city, with suitable rooms for committees, and for the offices of the Synod and Church Society, and book and tract dépôt ; and that the following gentlemen be the committee :—Rev. H. J. Grasett, Rev. Dr. Fuller, C. S. Gzowski, Esq., T. Galt, Esq., and J. George Hodgins.—Session of 1865, page 56.

[NOTE.—No report was presented on the subject in 1866, but the Committee was re-appointed (page 5). In 1867, the convener of the Synod House Committee presented a report, which was concurred in, expressing a hope “that arrangements can yet be made with the rector of St. James’ Cathedral Church, whereby a building can be erected on the cathedral block, facing Adelaide street, which will answer the double purpose of a Synod and Church Society house.” The Committee requested re-appointment, which was agreed to. (Session of 1867, page 59.) In 1868, the Committee presented a report suggesting a plan of providing funds by assessment for the new Synod house, which was concurred in. (Session of 1868, page 34 and 67.) Nothing was done on the subject in 1869. In 1870, the matter was again brought up, and the following resolution, on motion of Prof. Wilson, was passed :]

2. Whereas the congregation of St. James’ Cathedral, Toronto, find their present parochial school-house inadequate for the necessary requirements of their Sunday school, and have already had a proposition submitted to the vestry for expending funds on its enlargement, the Synod be invited to consider the propriety of taking immediate steps for the erection of a Synod House, as it is believed that the vestry of St. James will be prepared to grant a free site ; and, with their present plans in view, additional funds might thereby be secured by some joint action in the work and arrangements for combining the accommodation required for the parochial school house with that of the diocesan Synod. [A committee having been proposed it was further agreed to :] That the proposed committee be requested to confer with the authorities of St. James’ Cathedral, and learn from them some estimate of the probable cost of the building ; and that they report to the Synod to-morrow.—Session of 1870, pages 42, 43.

[NOTE.—The committee having conferred with the authorities of St. James’ Cathedral, reported “that the committee had agreed that if the Cathedral authorities would give a site on such part of St. James’

ground as should be approved of by the Committee, and the sum of \$3,000 to include their assessment towards the erection of Synod House, the Synod would give \$7,000 towards the same purpose; the total cost of the structure not to exceed \$10,000, the House to contain all the conveniences required by the Synod, the congregation to be allowed the use of the Synod Hall and such other rooms as they might require for the use of their Sunday School, or for meetings during the week when the building was not required for the use of the Synod; provided the leave extended over a period of not less than five years, and not more than ten years; and provided that if the building should be abandoned by the Synod, it should revert to St. James' Church." After some discussion the report was withdrawn, and the matter, in the shape thus presented, dropped. (Session of 1870, pages 48 and 77.) In 1871, the erection of a Synod House, as proposed in 1868, was again brought before the Synod by Dr. Hodgins, and the following resolutions on the subject were concurred in:—

3. That the following resolutions (in the report of the Synod House Committee, having been adopted by the Synod in 1868, it is expedient that no further time be lost in giving them effect; and that the Assessment and General Purposes Committee be authorized and directed to carry out the first and second resolutions, and the Executive Committee the third, viz.:

(1) That, with a view to provide funds for the erection of a Synod House, an additional assessment, sufficient to produce \$500, be imposed *pro rata*, on the several parishes in this Diocese, per annum.

(2) That the proceeds of this assessment, together with all balances of Synod-moneys left over each year, be invested in Provincial, county, city, or township debentures, until a sufficient fund be accumulated to warrant the Synod in proceeding with the erection of the building, or in borrowing the sum necessary to enable it to do so.

(3) That the Synod authorize the selection, as soon as practicable, of a suitable site in a convenient and central part of the city, for the proposed Synod House.—Session of 1871, page 65.

## CHAPTER LI.

*Printing of Synod Report.*

[**NOTE.**—In 1858 the following resolution, moved by Rev. Dr. Fuller, was adopted :—]

1. That a committee be appointed, to whom shall be referred the question of printing the Report presented to, and other matters brought before this Synod.—Session of 1858, page 146.

[**NOTE**—This committee brought in a report to the Synod in 1859, in which they state “that they have adopted all due economy in printing the Report and other documents, as far as is consistent with the efficient working of the Synod” (page 71). There is no record of the adoption of this report, nor of the reappointment of the Printing Committee. The Rev. Dr. Lett, however, moved, and Dr. Bovell seconded, the following resolution, which was afterwards acted upon, although there is no record on the minutes that it was adopted, *viz.*—]

2. That it be a direction to the present secretaries, and also to all future secretaries, to print the Report, and all other documents of the Synod, uniformly with the Report of last session, in order that all such reports and documents may be bound in volumes.—Session of 1859, page 85.

[**NOTE.**—In 1860 the constitution of the Synod was revised, and in it the Executive Committee was directed :—]

To receive reports of all other committees, and to print such reports, or such parts of them as they may deem expedient.—Session of 1860, page 146.

[**NOTE.**—Nothing further was done on this subject until 1864, when a proposition was made by R. A. Harrison, Esq., to have the minutes of Synod referred to a committee “to examine and, if necessary, correct the same by the written minutes of the Synod, and to cause the same, when examined and corrected, to be published uniformly with the former published reports of the proceedings of the Synod, in accordance with the [foregoing] resolution of this Synod passed in 1859.” This proposition was withdrawn, and the following record was made on the minutes :—]

3. The question having been asked as to the style in which the Report of the proceedings of the Synod should be printed, it was agreed that the cheap form be used, similar to that of 1863.—Session of 1863, pages 30 and 32.

[**NOTE.**—This “cheap form” was a very condensed record of the minutes, printed in uniformly small type. The following resolution, moved by Dr. Hodgins, was also passed:]

4. With a view to ascertain what resolutions and canons have received the sanction of the Synod, it be an instruction to the secretaries to employ a person to collect from the official minute-book, and append to the printed minutes for this year, a copy of each canon or resolution which has been duly passed since 1858, with an index. A similar appendix and index for each succeeding year be prepared and inserted in future in the annual printed minutes of the proceedings of the Synod.—Session 1864, page 20.

[**NOTE.**—In the same year (1864) the honorary secretaries were authorized)

5. To employ an assistant, whose duty it shall be to give special attention to the recording and printing of the daily minutes of proceedings.—Session of 1864, page 27.

[**NOTE.**—In 1865, on motion of Dr. Hodgins, it was resolved:]

6. That hereafter the minutes of proceedings of this Diocesan Synod be uniformly printed by tender, in the same style as those of the Provincial and other Diocesan Synods in Canada, and that a table of contents and index be inserted with each year’s proceedings.—Session of 1865, page 55.

[**NOTE.**—In 1869 and 1870, the Constitution under the Act of Incorporation was revised and adopted. In it the Executive Committee was directed “to print the reports laid before them” of the other committees, (“or such parts of them as they may deem expedient,”) to be laid before the Synod; and the honorary secretaries were also directed to prefix to the daily “printed notices of motion” a summary of “unfinished business,” etc. (Session of 1870, pages 90 and 92.) In 1871 the subject of printing was again brought up by Dr. Hodgins, and the following resolutions were passed:]

7. That with a view to exercise a strict supervision over the printing expenses of the Synod, be it resolved:

(1) That there shall be a Printing Committee of the Synod appointed at each session thereof, which shall be responsible for the printing of all documents and papers, and shall see that the printing expenses of the Synod be kept within reasonable bounds.

(2) That all printing for the Synod, its Officers and Committees, shall be by tender, addressed to and accepted by the Printing Committee.

(3) That an arrangement be made by the Printing Committee to forward to each member of the Synod a slip containing official notices and other information.—Session of 1871, page 69.

[**NOTE.**—This committee made its report to the Synod in 1872, which was adopted (page 51). On motion of Mr. Snelling, the foregoing sub-section (2) was amended as follows:]

8. That all printing for the Synod, its Officers, and Committees, shall be executed by a person to be appointed by the Printing Committee, subject to a scale of charges to be adopted by it; and that the person so to be appointed provide a surety or sureties for the due performance of his work, according to the prescribed regulations of such Committee.—Session of 1872, page 60.

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## CHAPTER LII.

### Books and Tracts.

[**NOTE.**—In 1857 the Rev. Provost Whitaker presented a memorial from the Church Society to the Synod, praying the Synod to provide books and tracts for parochial distribution. The memorial stated that the following resolution had been adopted by the Church Society:]

1. That this Society do hereby memorialize the Synod of the Diocese, praying that a Committee of Synod be appointed to report during the present session some plan for providing the several parishes and missions of the Diocese with books and tracts for parochial distribution, and for the use of School Libraries and Sunday Schools.

Your memorialists therefore pray that a Committee be appointed in accordance with the terms of the above resolution.—Session of 1867, page 27.

[**NOTE.**—In compliance with the request of this memorial, the following resolution was passed:]

2. That the memorial of the Church Society be referred to the following committee:—The Ven. the Archdeacon of Toronto, Revs. Canon Beaven, A. Williams; Messrs. C. J. Campbell, J. M. Grover, and the mover.—*Ibid*, page 28.

[**NOTE.**—The committee appointed brought in a resolution, which was adopted, as follows:]

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3. The Committee to whom was referred the memorial of the Church Society of the Diocese, on the subject of providing books and tracts for the use of the clergy in their several parishes and schools, beg to report that they have good reason to believe that a satisfactory arrangement may be made for this purpose with one of the booksellers of Toronto; and they beg to be empowered by the Synod to carry out such arrangement, on the understanding that it shall not involve any claim on the funds of the Synod.—Session of 1867, page 58.

[*Note.*—The Church Society having become merged into the Synod in 1869, the Synod, in its new Constitution provided for the appointment of a Book and Tract Committee, whose duties were defined to be similar to those of a committee of the late Church Society of the same name (page 88). In 1870, the Constitution was revised, and the Committee was combined with that on Sunday Schools. The part of the Constitution relating to books and tracts is as follows:]

4. It shall also be the duty of the Committee to manage the Book and Tract Department, as the same was conducted by a special committee of the late Church Society, or under any regulations which may hereafter be adopted by the Synod for the management of the same, reporting annually to the Synod the condition of the said department, both in relation to its stock of books and tracts, and the funds of the same.—Session of 1870, page 97.

[*Note.*—The Committee reported at each of the sessions of 1870, page 191, 1871, page 147, and 1872, page 39. The following regulations of the Committee were also reported to the Synod in 1871 and adopted:]

#### GRANTS TO PARISHES OR MISSIONS.

I. A *First Grant* of service books, bibles, prayer books, and tracts will be made to any new mission or congregation in the Diocese, to the value of from \$2 to \$6, at the discretion of the Committee.

II. A *Second Grant* will be made to any parish, mission or congregation, to the value of double the amount, in books, of any sum not exceeding ten dollars which may be received from such parish, mission, or congregation.

III. In all cases, before aid can be granted under these regulations, it will be necessary for the parties applying for such aid to furnish the Committee with the following, among other items of information, on a form to be provided, *viz.*:

(1.) The name of the parish, mission, &c., and of the officiating clergyman.

(2.) The estimated number of persons composing the congregation on behalf of which the application is made, and the average number of such persons attending each service.

(3.) The amount contributed by such congregation for all Church purposes during the preceding twelve months.

(4.) The number and kind of bibles, prayer books, and tracts required.

(5.) The year in which the congregation was established, and whether the parish or mission was before aided by the Committee.

IV. No grant shall be made to any parish, mission or congregation, which is not in actual existence at the time of making the application on its behalf.

V. These regulations, being general in their character, may be varied in special cases, at the discretion of the Committee.—Session of 1871, page 147.]

### CHAPTER LIII.

#### Widows and Orphans' Fund.

[**NOTE.**—As some indefiniteness appears to exist in regard to the by-laws which have been adopted by the Church Society, and sanctioned by the Diocesan Synod, we can only make the following reference to the subject, viz.: Session of 1860, page 201; of 1861, pages 276, 277, 287-289; of 1852, pages 16, 17 *Church Chronicle* for 1863, pages 8, 39, 52, 54, 70, 87, and 137; for 1864, pages 50 and 135; for 1865, page 178.]

[**NOTE.**—In 1869, on motion of the Rev. Provost Whitaker, the following resolution was passed]

1. That the lord Bishop be respectfully requested to appoint (as a Committee of Synod to report during the present session,) a special Committee of the late Church Society, which had been instructed to report an amended By-law for the administration of the Widows and Orphans' Fund, based on the recommendation made in a report of the said Committee received by the Church Society. The said Committee being constituted as follows;—Rev. Canon Baldwin, Rev. H. C. Cooper, Rev. W. Belt, Messrs. S. B. Harman, C. Magrath, E. G. O'Brien, and the mover.—Session of 1869, page 59.

[**NOTE.**—In 1869, the name of Mrs. Grout was added to the list of widows receiving pensions, and three years' arrears were paid her.—Session of 1869, page 76. In the same year (1869), on the incorporation of the Church Society with the Synod, a new constitution of the Synod was temporarily adopted. Section 21 related to the Widows and Orphans' Fund Committee, as follows:]

2. The Widows and Orphans' Fund Committee shall consist of four Clergymen and four Laymen, members of the Synod, who shall be charged with the care of the Widows and Orphans' Fund of the late Church Society of the Diocese; to whom all claims for pensions to Widows and Orphans of the Clergy of the Diocese shall be referred, and by whom they shall be decided upon, and paid, on approval by the Bishop, according to the By-laws of the Widows and Orphans' Fund of the late Church Society Committee, or to any By-laws adopted at any future time by the Synod. It shall also be the duty of the said Committee to make annually, to the Synod, a detailed report of the state of the Fund; specifying its several securities, the amount of income they each and all yield, the number of Widows and Orphans on the Fund, and the amounts which they severally receive.—Session of 1869, pages 50 and 87.

[NOTE.—In 1870, the Constitution of the Synod was amended and finally adopted. That part of it (Section 29) relating to the Widows and Orphans' Fund, is as follows :]

3. The Widows and Orphans' Fund and Theological Students Fund Committee shall consist of six Clergymen and six Laymen, members of the Synod, who shall be charged with the care of the Widows and Orphans' Fund of the late Church Society of the Diocese, to whom all claims for pensions to Widows or Orphans of the Clergy of the Diocese shall be referred, and by whom such claims shall be decided upon and paid, on approval of the Bishop, according to the By-law of the late Church Society governing the administration of the said Fund, or according to any By-law adopted subsequently by the Synod. It shall also be the duty of the Committee to make annually to the Synod a detailed report of the state of the Fund, specifying its several securities, the amount of income which they each and altogether yield, the number of Widows and Orphans on the Fund, and the amounts which they severally receive, etc.—Session of 1870, page 96.

[NOTE.—In that year (1870) the Report of the Committee was first presented to the Synod. (Pages 46 and 170). The following resolution in regard to the report, was passed:]

4. That the report of the Committee on the Widows and Orphans' Fund be received; but that this Synod desires that the terms of the By-law on the Widows and Orphan's Fund be in future adhered to, and that the case of Mrs. Lundy be

referred back to the Committee for further consideration.—Session of 1870, pages 46 and 160.

[**NOTE.**—A By-law was reported to the Synod by the same Committee, making provision for the due administration of the Widows and Orphans' Fund. The preamble and the first clause were read, and adopted, after which the following resolutions were passed :]

5. That the By-law of the Committee to make provision for the due administering of Widows and Orphans' Fund be recommitted to the said Committee in order that they may report thereon at the next meeting of this Synod; and that the names of the Rev. H. Holland, Mr. Powis, and Mr. Gaviller, be added to the Committee.

6. That in accordance with the recommendation of the Committee on the Widows and Orphans' Fund, the application of Mrs. Ardagh be acceded to, and that she receive the usual pension allotted to Widows of Clergymen, on making the usual declaration required.—Session of 1870, pages 47, 48, 160,

[**NOTE.**—In 1871, the Committee presented their annual Report, which was adopted.—(Pages 49 and 120). The By law was also brought again before the Synod and adopted as follows :]

7. Whereas by the Act of the Legislative Assembly of the Province of Ontario, passed in the 32nd year of the reign of Her Majesty Queen Victoria, entitled "an Act to Incorporate the Synod of the Diocese of Toronto, and to unite the Church Society of the Diocese of Toronto therewith," all moneys and property held in trust by the said Society for the benefit of the Widows and Orphans of Clergymen of the Diocese, have been transferred to the Incorporated Synod of the same.

It is therefore necessary to make such amendments in the By-law of the said Church Society for the administering of the Widows and Orphans' Fund, as are required in consequence of the passing of the aforesaid Act, as well as other alterations now deemed by the said Synod to be expedient.

*Be it therefore enacted as follows:*—The said Fund shall consist as heretofore of all rents, issues or profits of lands or tenements now held, or that may hereafter be given for the relief of the Widows and Orphans of Clergymen, and of all moneys and securities of whatever kind, now held, or that may hereafter be given or granted for the same purpose, unless special provision be made by the grantor or donor of the same for the distribution thereof.

2. Each Clergyman, whether Rector, Incumbent, or Travelling Missionary, having cure of souls in this Diocese, or licensed as Curate or Assistant Minister therein, in order to entitle his widow or children to claim the annuity herein-after provided, shall pay annually to the credit of the Widows and Orphans' Fund, the sum of \$5; and in the event of any such Clergyman omitting so to do, the amount so omitted to be paid, together with compound interest thereon at the legal rate, shall be deducted either from the first payment of annuity to be made to the Widow or Orphans of such Clergyman, or by instalments from successive payments of annuity, as the Committee of Synod for the administration of this Fund shall determine.

3. Each Clergyman, whether Rector, Incumbent or Travelling Missionary, having cure of souls in this Diocese, shall observe the directions, from time to time, given by the lord Bishop, or by the Synod of the Diocese, in respect to the annual collection to be made in all churches and stations, for the Widows and Orphans' Fund; and it shall be the duty of the aforesaid Committee to state, in their Annual Report to the Synod, the names of all such Clergymen as may have omitted to make the said collection.

4. A Committee shall be appointed annually by the Synod for the care and management of the Widows and Orphans' Fund; which Committee shall have full power to transact all business relating to the investment and improvement of the same, and to grant annuities according to the terms and conditions of this By-law; and no matter connected with the management, investment, or appropriation of the said Fund, shall be decided upon by the Synod till it has first been submitted to, and reported upon by the said Committee; and such Committee shall report annually to the Synod, making a full statement of the condition of the fund, the amount invested, and the nature and proceeds of the investments, the receipts from collections in churches and stations, from the annual payments of the Clergymen, and from all other sources; also of the annuities paid and granted within the past year, and the expenditure within the same period.

5. From and after the passing of this By-law, the Synod will pay to the widow of every Clergyman, who at the time of his decease shall have been duly appointed to the cure of souls in this Diocese, or licensed as a Curate or Assistant Minister therein, or who shall have been placed on any super-

annuated list, with the consent of the lord Bishop of the Diocese, or to the children of such Clergynan, such annuity as the state of the Fund will admit, in accordance with the scale hereinafter provided, and subject to the provisions of the second section of this By-law ; the said annuity to be payable in four equal quarterly instalments on the first days of January, April, July, and October in each and every year, and to commence from the day of the death of such clergyman, or from the day on which his stipend from the public funds of the Church shall have ceased : provided that an application for the pension, in the form and manner required by this By-law, shall have been lodged with the Secretary-Treasurer of the Synod within three months after the death of the said Clergynan ; but if a longer period shall have elapsed, then the annuity or annuities, if granted shall commence, and be payable, from the quarter-day next preceding the day on which such application shall have been so lodged ; and such annuity shall be continued to the widow during her natural life, or so long as she shall remain a widow, and continue to be entitled to the same under the provisions of this By-law. And in case such widow shall, at her death or remrrriage, have children by her late husband, an annuity shall be paid to the guardians of such children in accordance with the said scale ; provided also, that all annuities shall cease from the quarter-day next preceding the marriage of any person entitled by this By-law to any such aunuity.

6. All moneys in the hands of the Treasurer, which may not be required to meet the annuities payable to the Widows and Orphans of the Clergy, shall be, from time to time, permanently invested in some good and sufficient security ; and in no case shall capital be applied to the payment of annuities.

7. Every widow of a clergyman, or the guardian of the orphans of a clergyman, shall, in order to obtain an annuity from the said Fund, apply by a memorial, addressed to the Widows and Orphans' Fund Committee, and supported by the recommendation of the lord Bishop of the Diocese, and of two or more incumbents within the same, setting forth the time of the decease of such elergynan, the name of his widow, and the names and ages of his children, together with a statement of the income of such widow or orphans from all sources, which memorial shall be taken into consideration by the afore-said Committee at their next meeting after the receipt of the same.

8. Every widow being an annuitant on the Widows and Orphans' Fund, and the guardians of orphans annuitants on the same, shall quarterly, before receiving any portion of an annuity, make one of the following declarations in the presence of a clergyman or magistrate, which declaration shall be attested by the clergyman or magistrate before whom it is made:

DECLARATION TO BE MADE BY A WIDOW.

I \_\_\_\_\_, do hereby declare that I am the widow of the late Reverend \_\_\_\_\_; that I am entitled to an annuity from the Widows and Orphans' Fund of the Synod of the Diocese of Toronto; that I am still a widow, and that my income for the past twelve months from all sources, has been \$\_\_\_\_\_, not including my own earnings, or annuity from the Widows and Orphans' Fund.

Signed before me,

Name. Description. Residence.

DECLARATION TO BE MADE BY THE MOTHER OR GUARDIAN OF CHILDREN.

I \_\_\_\_\_, hereby declare that I am the duly-appointed guardian of the children of the late Reverend \_\_\_\_\_, whose names and ages are respectively written below; that they are entitled to an annuity from the Widows and Orphans' Fund of the Synod of the Diocese of Toronto; and that their income for the past twelve months, from all sources (not including wages earned by any of them, or annuity from the Widows and Orphans' Fund), has been \$\_\_\_\_\_.

*Names of Children.*

*Age next Birthday.*

Signed before me,

Name. Description. Residence.

9. Every widow with <sup>no</sup> private income, or with a private income not exceeding four hundred dollars, shall be entitled to an annuity on her own behalf of two hundred dollars; and should the private income of any widow exceed the sum of four hundred dollars, such annuity shall be reduced by the amount of the private income of such widow in excess of that sum, so as to be extinguished in any case in which the private income of the widow amounts to six hundred dollars.

10. Every widow having children shall, in addition to the above, be entitled to an annuity on their behalf, as follows,

viz. : for one child, eighty dollars ; for two children, one hundred and forty dollars ; for three children, one hundred and eighty dollars ; and for four or more children, two hundred dollars ; and in the event of a clergyman deceased leaving children, but no widow, or in the event of the death or re-marriage of a widow, such annuity shall be paid to the lawful guardians of such children, provided that all such annuities shall cease, in the case of boys, on their attaining the age of sixteen years, and, in the case of girls, on their attaining the age of eighteen years ; provided also, that such annuities shall be reduced to the extent to which the income of such orphan or orphans from other sources shall exceed the amount of annuity herein named respectively.

11. Should the Fund at any time be insufficient to meet the demands upon it, it shall be the duty of the Committee to make any reduction in the amounts paid which may become necessary, by reducing first the amounts paid to Widows or Orphans with private incomes, and the amount of such reduction shall be in proportion to the amount of such private income ; provided that no reduction shall take place which shall reduce the total income of any widow or orphans below the amount which would be payable to them were they entirely without private means.—Session of 1871, pages 49 and 184.

[NOTE.—This by-law was confirmed in 1872. See page 44 of Synod Report for that year. The report of the Committee was also adopted, page 50.]

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## CHAPTER LIV.

### *Miscellaneous and Temporary.*

#### I.—THE LORD'S DAY.

[NOTE.—The late Bishop Strachan, in his charge delivered in 1856, referred at length to the tendency at the present day "to undermine the sanctity of the Lord's Day," of which he gave several illustrations, and declared it to be our duty, therefore, "to resist to the utmost of our power the slightest approaches towards the desecration of the Lord's Day" (Charge of 1856, pages 26-28). At the Synod held in Toronto in 1858, on motion of Rev. R. V. Rogers, the following resolution was passed :

1. That this Synod desires to sympathise with the renewed efforts of our Mother Church to secure the better observance

of the Lord's Day ; to record its deep conviction of its vast importance to the well-being of religion, and that it bids God's speed to these and all other efforts to secure the inestimable privilege of a whole Lord's Day to every one of the human family.—Session at Toronto, June 1858, page 68.

[NOTE.—At the Kingston Synod held during the same year, on motion of Rev. R. V. Rogers, it was resolved]

2. That a committee be appointed to take into consideration the several laws of this Province respecting the observance of the Lord's Day, and report to the next meeting of Synod.—Session at Kingston, of 1858, page 147.

[NOTE.—In 1859, the committee above named brought in an elaborate report on the state of the law relating to the Lord's Day (pages 90-95). In 1860, this report of the committee was adopted, and the following resolution was passed :]

3. That the religious observance of the Lord's Day is a matter of the last importance to man's highest interest for time and eternity, and that a committee be appointed for the purpose of watching over the proper observance of this most important institution, in a day like this, when its sanctity is so encroached on, and when attempts are being made to undermine and destroy its eternal obligations.—Session of 1860, pages 167, 178, 179.

[NOTE.—The committee was appointed, but in 1861 the subject did not come before the Synod. In 1862, nothing more was done in the matter than to submit to the Synod a letter from the Secretary of the Kingston Sabbath Reformation Society (page 15, and appendix C). In 1863 the question did not come up, but in 1864 a motion was made to petition the Legislature, praying for the closing of the canals on the Lord's Day. After some discussion the following amendment to the original motion was passed :]

4. That it is undesirable to approach the Legislature with a petition for additional legislation or subjects which only require the enforcement of laws already in existence.—Session of 1864, page 28.

## II.—SEED TIME AND HARVEST.

[NOTE.—In 1860, on motion of Col. O'Brien, the following resolution was passed that:]

1. A request to his lordship the Bishop be made, that a day be set apart, both in seed-time and in harvest, for the purpose

of more especially asking the Divine blessing on the labours of the husbandman; and that he will appoint suitable prayers to be then used, in addition to the ordinary service of the day.—Session of 1860, page 189.

[**NOTE.**—In 1868, Col. O'Brien brought the matter before the Synod again in the form of the following resolution: “That a memorial be addressed to the Lieutenant Governor in Council of the Province of Ontario, praying that some one Sunday in seed-time and another in harvest-time, be set apart or named, on which day all congregations may join, each in their own distinctive form and manner, in suitable prayer for God's blessing on the work of the husbandman; also, that a Committee be named to obtain, under his lordship's directions, the co-operation of our sister dioceses, as well as that of all others willing to join in the matter.” The motion was, however, withdrawn at the suggestion of the Bishop, on the ground of its being impossible to gain the concurrence of the Government. (Session of 1868, page 69.) In 1871, the Rev. J. B. Worrell introduced the following resolution: “That the Secretaries of the Synod, under direction of the lord Bishop of the Diocese, be instructed to correspond with the lord Bishops of Huron and Ontario, as well as the Moderators of the Presbyterian Synods, the Presidents of the Methodist Conferences, and the Chairman of the Congregational Union, and the Baptist Church, in this Province, to endeavour to obtain unity in observing a National Day of Thanksgiving for the blessing of Harvest.” It was moved in amendment and carried:]

2. That the Honorary Secretaries of the Synod, under direction of the lord Bishop of the Diocese, be instructed to correspond with the authorities of all Christian bodies in this Province, with a view to obtain united action in observing a National Day of Thanksgiving for the blessing of Harvest.—Session of 1871, page 68.

[**NOTE.**—In 1872, the matter came up again in the form of a letter from Rev. Dr. Burns, the convener of a committee on the subject of the Synod of the Church of Scotland, suggesting that a day for thanksgiving be agreed upon by the various Christian bodies in the Province. The motion adopted was as follows:]

3. That the Honorary Secretaries, under the direction of the lord Bishop of the Diocese, be instructed to correspond with the authorities of all Christian bodies in this Province, as last year, with a view to obtain united action in observing a National Day of Thanksgiving for the blessing of Harvest.—Session of 1872, page 60.

### III. VARIOUS MOVEMENTS AND PROCEEDINGS IN THE CHURCH OF ENGLAND.\*

[*Note.*—*Oxford Writers.*—In the late venerable Bishop Strachan's charge, delivered at his primary visitation in 1841, and at his triennial visitation in 1844, he referred at some length to the proceedings of the "Oxford Writers," and to the causes which produced the reaction which they had brought about. (See primary charge of 1841, pages 16-18, and charge delivered in 1844, pages 48 and 53.)

2. *Rubrical Changes and Oxford Movement.*—In his charge of 1847, the Bishop referred to "the disputes which at present trouble a few sections of the Church, as to certain diversities in the celebration of divine worship." He also discussed the question of the "great Oxford religious movement now in progress," and considered it of far greater consequence than the "agitation \* \* \* respecting the more direct observance of the rubries." (See pages 25-38.)

3. *Gorham Case.*—In his charge of 1851, the Bishop, referring to his recent visit to England, speaks strongly in regard to the Gorham case, "and deprecates the decision of the Privy Council Committee on the subject." See pages 10-14 of his charge of 1851.

4. *Essays and Reviews.*—(See section 2, of the next division (IV.) of this Chapter.)

5. *Colenso Heresy.*—(See section 1 of ditto, ditto, and Bishop's charge of 1866, page 17.)

6. *Judgment of the Privy Council.*—In his charge of 1865, the Bishop states that the late unhappy judgment of the Privy Council "scarcely touches us," and refers to its condemnation by the Convocations of Canterbury and York. (See charge of 1865, page 14; see also the Bishop's Charge of 1871, page 28.)

7. *Revival of Ritualism.*—In his charge of 1866, the Bishop briefly referred to "the excitement in England, in respect to the revival of ritualism," (see Charge, p. 18; see also pp. 166-169 of this compilation.)

In his charge of 1867, the coadjutor Bishop of Niagara, (the present Bishop of Toronto) also referred at length to the agitation in England, caused by the effort to "introduce unaccustomed and unauthorized practices into the services of the church," (see pages 16 and 21.) In his charge of 1868, the present Bishop of Toronto again referred to the same subject, (see pages 21-22,) also charge of 1871, page 29.)

8. *Pan-Anglican Council.*—For reference to the proceedings of this body, see Bishop's charges of 1867, page 18, and of 1868, page 19.

9. *Secret Societies in the Church.*—The Bishop in his charge of 1871, strongly deprecated the existence of "societies or associations within the Church, which partake in any degree of a secret character," (see pages 29-31.)

\* See pages 166-169 of this compilation.

10. *Observance of the Rubrics.*—“On the question of adherence to rubrical direction in the conducting of public worship,” the Bishop offered his “own opinions and recommendations,” which he states “are in general accordance with the opinion expressed by the assembled Bishops,” (see pages 30-33.)

#### IV.—COLENSO AND OTHER HERESIES.

[**NOTE.**—The Bishop, in his opening address, in 1863, thus referred to the Colenso heresy. “\* \* no sooner has our beloved mother Church \* \* begun to recover from the infidel attack of the Essays and Reviews, which were rapidly sinking into oblivion, than a heavier blow from a deluded son of her own, the Bishop of Natal, is aimed against her.” &c. In response to this portion of the Bishop’s address, the following resolution was introduced and unanimously adopted:]

1. That this Synod desires to express its grateful thanks to his lordship the Bishop for the protest which he was pleased to make in his address, against the pernicious writings of the Bishop of Natal; and also express the hope that the Church in this Diocese will, both in private as well as in public prayer, give increased devotion and thoughtfulness to that supplication in our Litany wherein we beseech to be defended from “all false doctrine, heresy, and schism.”—Session of 1863, pages 16, 18; (see also the Bishop’s address of 1866, page 17, and the coadjutor Bishop of Niagara’s address of 1867, page 15, and of 1868, page 21.)

[**NOTE.**—With a view to counteract the evil tendency of the pernicious teachings of the notorious “Essays and Reviews,” and as a solemn protest against their heretical doctrines, the following document, known as the “Oxford Declaration,” was signed by the Bishops and clergy of Canada in 1864, and transmitted to the Archbishop of Canterbury. See *Church Chronicle* for June, 1864, page 47. The deistical character of the “Essays and Reviews” was fully exposed by the Bishop, in his address to the Synod in 1864. See pages 11-13 of the proceedings.]

2. We, the undersigned bishops and clergy of the United Church of England and Ireland, in the Province of Canada, hold it to be our bounden duty to the church of England and Ireland, and to the souls of men, to declare our firm belief that the Church of England and Ireland, in common with the whole Catholice Church, maintains, without reserve or qualification, the inspiration and the Divine authority of the whole canonical scriptures, as not only containing, but being the Word of God; and further teaches, in the words of our blessed Lord, that the “punishment” of the “cursed” equally with the “Life” of the “righteous” is “everlasting.”—Session of 1864, page 27.

[**NOTE.**—Two of the writers of "Essays and Reviews," the Rev. Dr. Williams and the Rev. H. B. Wilson, B. D., having been condemned in the Ecclesiastical Court, for writing what was contrary to the teachings of the United Church of England and Ireland, appealed to the Judicial Committee of the Privy Council. The judgment of the committee (the Archbishops of Canterbury and York dissenting) as delivered by the Lord Chancellor of England, declared, that, on the points submitted to them on appeal, the committee did not consider the Rev. gentlemen had been guilty of writing anything contrary to any doctrines of the Church; and therefore restored them to their ecclesiastical preferments. This decision aroused such feeling in England and this country, that a solemn declaration to the world of their faith in the two points called in question by the above writers was signed by 12,000 clergymen in England and almost by the whole of the clergy of this diocese. (See note above.) This meeting of the Synod, composed of the clergy and lay delegates from every parish in the Diocese, affording a good opportunity for an expression of the faith of the Diocese on these important points, the following resolution was introduced by Rev. Dr. Fuller, and was unanimously adopted:]

3. That this Synod views with alarm the late decision of the Judicial Committee, of the Privy Council in the case of the Rev. Dr. Williams, and Rev. H. B. Wilson, as tending (if not received with all the guards and limitations thrown round it by the court) to shake the faith of members of our Holy Communion. That this Synod, representing that portion of the United Churches of England and Ireland, planted by God's providence in this Province, avails itself of this opportunity to declare before the world its firm and undoubted conviction that the Church, to which this Synod has the high privilege of belonging, maintains without reservation or equivocation, the inspiration and the Divine authority of the whole canonical Scriptures, as not only containing, but being the word of God; and that she further teaches, in the words of the blessed Lord, that the punishment of the cursed equally with the life of the righteous is everlasting.—Session of 1864, page 27.

#### V.—THE CHURCH IN INDIA.

[**NOTE.**—At the time of the Sepoy mutiny in India, a series of resolutions, expressive of deep sympathy with its church in India, in her severe and unexpected trials, was unanimously passed by the Synod, and transmitted to the Bishops of the Church there, (see pages 71, 72, of Proceedings of the Toronto Session in 1858.) In 1859, replies were received from the Bishops of Madras, Bombay and Calcutta, and were entered on the minutes, (see pages 13, 14, 22-26, and 101, of Proceedings.) The following resolution was also passed in that year:]

1. That the offertory collection at this meeting of the Synod be appropriated to Foreign Missions, through the agency of the Venerable Society for the Propagation of the Gospel in Foreign parts, with a suggestion to the venerable society, that it be appropriated specially to the cause of Christ in India. Session of 1859, page 27.

[NOTE.—This offertory collection amounted to \$439.15, (page 86, 104, of Proceedings.) It was transmitted to London and acknowledged in 1860. (See Proceedings of that year, page 140.)

[NOTE.—In his address in 1872, the Bishop stated that he had "received a communication from a clergyman in India, formerly of this Diocese, expressing the wish of the Bishop of Calcutta to obtain the help of every friend of the Anglican Church in the conversion of 200,000,000 of heathens in that country," etc. \* \* \* "I lay the interesting subject before the Synod, believing that it will engage their earnest consideration, and I trust their hearty support," (pages 35 and 36.) In accordance with this suggestion, the Synod, on motion of the Rev. W. T. Smithett, requested the Bishop to nominate a committee on Foreign Missions in India. This he did, (page 50.) The committee presented a report, which was adopted, (pages 54 and 62.)

## VI.—THE CHURCH IN IRELAND.

[NOTE.—On motion of Rev. Dr. Lett, the following resolution was adopted in 1853:]

1. That we, the Church in the Diocese of Toronto, in Diocesan Synod assembled, take the first opportunity which has presented itself to offer to our holy mother, the United Church of England and Ireland, our hearty congratulations on the great increase the Church has received by the return of those to the ancient church of Ireland who had embraced the errors of Rome; and we desire to ascribe thanks to God the Father, God the Son, and God the Holy Ghost for this wonderful outpouring of His Spirit on our hitherto unhappy Ireland. And farther, that our Bishop be requested to communicate these our congratulations to the Primate of all Ireland and the other Archbishops.—Session of 1863, page 19.

[NOTE.—In 1857, on motion of the Rev. R. V. Rogers, the Synod concurred in the following resolution:]

2. Whereas the seal of God's approbation has been plainly set to the labours of the various instrumentalities in connection with the United Church of England and Ireland, and in the field of missions to Roman Catholics in Ireland and in Canada east, this Synod desires to sympathize with our fellow

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labourers, and to assure them of the prayers of their brethren of this Synod, and wish them God speed.—Session of 1857, pages 21 and 23.

[**NOTE.**—In 1868, the Bishop brought the subject of the proposed disestablishment of the Irish Church before the Synod, expressing his regret at the “fierce onslaught upon the branch of the United Church of the Realm, established in Ireland, and the determination to strip it of its endowment,” (page 22). In response to this reference to the Irish Church on the part of the Bishop, the Synod, on motion of Rev. Dr. Lett, adopted the following resolution:]

3. That petitions be presented to the Queen and both Houses of the Imperial Parliament, praying that the threatened measure to confiscate the property of the United Church of England and Ireland, situate in Ireland, may not pass into law: and praying that if any legislation be adopted affecting the position and the endowments of the Irish Church, it may be in the direction of such improvements in her internal arrangements as may add to her efficiency.—Session of 1868, page 58.

[**NOTE.**—The Bishop having nominated a Committee to prepare the petition referred to in the foregoing resolution, that Committee reported a draft as follows, which was adopted:

“To HER MOST GRACIOUS MAJESTY, etc.—The petition of the Bishop, Clergy and Laity of the Diocese of Toronto, in the Dominion of Canada, in sacred Synod assembled, humbly sheweth, that your petitioners beg leave to approach your Majesty with sentiments of profound reverence for your Majesty's office and person. That your petitioners have heard with deep regret that a measure has been introduced into your Majesty's Parliament purporting to be for the disestablishment of that portion of the United Church of England and Ireland, which is situated in Ire<sup>l</sup> id, but the real effect of which would be to confiscate those properties and endowments which have been, from time immemorial, solemnly dedicated to sacred purposes, and were unquestionably hers long before she was subjected to the See of Rome in the 12th century. That your petitioners, as members of the United Church of England and Ireland, deprecate in the most solemn but respectful manner the proposed spoliation. That your petitioners believe that the measure will wholly fail in accomplishing the end proposed, viz., the pacification of Irish discontent, and the propitiation of disloyalty: while on the other hand, it will excite the most bitter strifes and animosities, and leave wholly exposed to the aggressions of Rome, our Protestant brethren in remote districts and weak parishes. That your petitioners believe also that in the words of the leading Roman Catholic organ in Canada “the destruction of the Irish Protestant Church is the capitulation of the

Sebastopol of English influence in Ireland," and they feel that it will tend to place that country under the control of a Church that can never be national, as its supreme ruler is a foreign potentate and prince, whose policy is directly antagonistic to those principles which placed your Royal House on the throne of these realms. Neither can they close their eyes to the fact that the assault on the property of the Irish branch of the Church is, avowedly on the part of some of its most strenuous supporters, only the first step towards the secularization of the revenues of the English Church, as well as those of the Presbyterian Establishment of Scotland. Your petitioners therefore pray that the threatened measure may not become law, and that if any legislation be adopted affecting the position and endowments of the Irish Church, it may be in the direction of such improvements in her internal arrangements as may increase her efficiency. Finally, that all spiritual and temporal blessings may be given by our Heavenly Father to your Majesty and to your Royal House, &c., and your Majesty's faithful and devoted servants, as in duty bound, shall ever pray." (Pages 61-63). On further motion of the Ven. Archdeacon Palmer, the following additional resolutions were concurred in :]

3. That as one in heart and soul, in doctrine and discipline, with the Irish branch of the United Church of England and Ireland, this Synod desires to express its deep sympathy with its Archbishops, Bishops, Clergy and Laity, in the trials through which it is now passing, and the dangers to which it is at present exposed in consequence of the threatened spoliation of its lawful property, a danger from which this Synod trusts that the right feeling and sense of justice of our fellow-subjects of the United Kingdom, and the loyalty of its Churchmen to our Reformed Church will, under God, effectually protect it.

4. And this Synod feels bound to declare that the argument employed in the Imperial House of Commons in favor of the disendowment of the Irish Church based on the assumed successful working of the voluntary system in the Colonial Church, could only, as regards this success, have originated from an ignorance of the facts; for although the Diocese of Toronto has a small endowment realized by means of the commutation of the stipends of the Clergy, when the Clergy Reserves were secularised; and although in other respects the Diocese of Toronto is one of the most favoured of our Colonial Dioceses, yet notwithstanding the increased exertions that have been made, large portions of it, especially in the newer settlements, are at this moment wholly destitute of its ministrations, while the greater

number of our parishes and missions are of such great extent that the strength and power of our Clergy are hopelessly overtasked.—Session of 1868, pages 58, 59.

[**NOTE.**—Farther, on motion of Clarke Gamble, Esq., it was agreed to.]

5. That a copy of the resolutions, just passed by the Synod, be at once forwarded to the Bishop of each of the Dioceses of Canada, requesting them to submit the same to their respective Synods for their concurrence, that the hearts and hands of our suffering brethren in Ireland may be strengthened under the cruel trials now afflicting them.—*Ibid*, page 59.

#### VII.—THE CHURCH IN SOUTH AFRICA.

[**NOTE.**—The Bishop, in his opening address in 1863, thus referred to the trial through which the Church of England in South Africa had been called to pass, owing to the infidel assaults of Bishop Colenso. “\* \* no sooner has our beloved mother church \* \* begun to recover from the infidel attack of the Essays and Reviews, which were rapidly sinking into oblivion, than a heavier blow from a deluded son of her own, the Bishop of Natal, is aimed against her,” &c. In response to this portion of the Bishop’s address, the following resolution was introduced by Dr. Bovell, and unanimously adopted:]

1. That this Synod desires to express its grateful thanks to his lordship the Bishop for the protest which he was pleased to make in his address, against the pernicious writings of the Bishop of Natal; and also express the hope that the Church in this Diocese will, both in private as well as in public prayer, give increased devotion and thoughtfulness to that supplication in our Litany, wherein we beseech to be defended from “all false doctrine, heresy, and schism.”—Session of 1863, pages 16, 18.

[**NOTE.**—In 1865, on motion of Rev. Provost Whitaker, the following resolution was passed:]

2. That his lordship the Bishop be requested, on behalf of this Synod, to communicate to the Right Rev. the Metropolitan of Capetown its deep sense of the service which he has rendered to the Church by his noble defence of Christian truth; and to assure the Anglican Church in South Africa, that the utmost sympathy is very sincerely felt for them by their brethren in the Diocese of Toronto.—Session of 1865, page 53.

[**NOTE.**—In his last address to the Synod in 1866, the late venerable Bishop Strachan thus referred to this subject:—The Metropolitan of Capetown, after long forbearance, has at length adopted the proper

course, strong and fearful as it is, and which, indeed, was the only one open to vindicate the truth of God, and arrest heresy and schism in their most aggravated form. The partisans of the deposed bishop are almost exclusively persons outside the Church: shewing, by their advocacy of his errors, that truth is not so precious to them as the dealing of a blow at the unity of a communion, of whose influence they are jealous. But truth, we feel persuaded, will ultimately prevail. We may have trouble for a season, but in patient adherence to peace and order, we shall at last enjoy the triumph of truth. In the meantime, the Metropolitan of our South African Church is entitled to our deepest sympathy and grateful acknowledgments for the noble stand he has made in behalf of our holy catholic faith. But while we rejoice in having such intrepid defenders of our religion among us, let us not omit our earnest prayers for the deposed bishop; but sincerely supplicate the God of gospel truth and mercy that he would turn this fallen servant from ignorance and hardness of heart, and contempt of His word, and fetch him home again to the flock from which he has so wilfully departed."—(Session of 1866, pages 17, 18.) In his address to the Synod in 1867, the present Bishop also referred to "the painful events in South Africa, so long a cause of distress," (page 15). In his address, too, in 1868, the Bishop stated, that at the Pan-Anglican Council, held in London in 1867, "the Colenso difficulty, and all the distressing complications resulting from it," were discussed. The "universal sympathy expressed for the Bishop of Capetown," shewed him "how his brethren from all quarters of the world upheld him in the noble and courageous attitude he had assumed." (Page 21).

#### VIII.—DISABILITIES OF THE AMERICAN CLERGY OFFICIATING IN CANADA.

[**NOTE.**—The late venerable Bishop Strachan, in his charges, delivered at the visitation in 1853, thus referred to the disabilities of the American Clergy when officiating in Canada: "There are still some few restrictions that require to be removed by the British Government, and which, while they continue, prevent Clergymen in American orders from full freedom in officiating in England, or in her Colonies. Let us then, while praying for Synodal action, introduce a respectful request that such restrictions may be speedily repealed." (Charge of 1853, page 54). In response to this invitation from the Bishop, for the Synod to move in the matter, the following resolution, on motion of Rev. (now Ven. Archdeacon) Patton, was passed:]

1. That this Synod would respectfully request his lordship the Bishop to adopt such means, as he deems most fitting, to obtain the removal of those disabilities which exist, or are supposed to exist, in the case of the clergy ordained in the United States, which prevent their being received into this diocese on an equal footing with those who possess English or Colonial ordination.—Session of 1853, page 19.

[**Note.**—It was not until 1865, that this disability was removed. In that year an Act, intended to remove all doubts as to the validity of ministerial acts performed in Canada by clergymen ordained by colonial or foreign Bishops, notwithstanding an old imperial statute to the contrary, was passed. It received the Royal assent on the 18th of March.—See Statutes of Canada for 1865, page 20. See, also, Appendix to this compilation.]

#### IX.—THE DIOCESE OF HURON.

[**Note.**—In 1851, the late venerable Bishop Strachan referred incidentally to “the approaching division of this Diocese into at least two,” (page 45). In his charge of 1853, the Bishop thus referred to the matter: “Last spring I deemed it my duty to bring the necessary division of the Diocese a second time under the notice of the Council appointed to arrange measures in concert with Her Majesty’s Government for the creation and endowments of additional Bishoprics in the colonies and dependencies of Great Britain.” \* \* \* The Duke of Newcastle “replied in a very kind and courteous manner, but want of funds for moderate endowments, appeared the great impediment,” \* \* \* “I believe that each of the two great Societies (in England,) has, with their accustomed liberality, voted a considerable sum as a beginning towards the endowment of Kingston. In this state the matter at present rests.” (Pages 13, 15). A Committee of Synod, having been appointed, reported in favour of “the formation of two additional sees, one east and the other west,” and the establishment of an episcopal fund. A clause in the report recommending “that the selection for the increased episcopate should be made from the clergy of the Diocese” was struck out. The Bishop was requested “to renew his exertions for the immediate division of the Diocese.” (Session of 1853, page 16.) In 1856 the question had been brought before the Synod in the address of the Bishop, (page 9,) a resolution was passed to memorialize the Christian Knowledge Society, and the Committee of English Bishops on Colonial Bishoprics, for a grant in aid of the Episcopal Fund for the new Diocese of Huron. This was done, (page 37). (A Report from the Rural Deans on the Endowment Fund will be found on page 22-23.) In his address of 1857, the Bishop reported what had been done towards the proposed division of the Diocese. In that year (1857), (the fund having been sufficient) an election of Bishop was held, when Rev. Dr. Cronyn was chosen. To this election the Bishop of Toronto referred in his address to the Synod in 1858, (see pages 12, 13, of proceedings). The following resolution was also passed during the same year:]

1. That a Committee be appointed to draw up an address to the lord Bishop, Clergy and Laity of the Diocese of Huron, on the occasion of their being separated from us by being constituted a new Diocese. Session at Toronto of 1868, page 73, and session at Kingston in the same year, pages 130, 131.

[NOTE.—A reply to this address was received from the Bishop of Huron, and entered on the minutes of the Kingston meeting in 1858, (pages 131, 132, 140). An address was also received from the Huron Synod in 1859, and entered on the minutes of that year, (see pages 26, 27, and 101). In regard to the meeting at London in 1857, for the election of Bishop, the following resolution was passed:]

2. That the lord Bishop be requested to appoint a committee to collect the minutes of Proceedings of a meeting of the members of this Synod, residing within the limits of the present Diocese of Huron, on the 8th day of July, 1857, for the purpose of electing a bishop to the then proposed see, and that said minutes, so collected, be entered on a minute book of this Synod, and also printed in the report. Session of 1859, page 84.

[NOTE.—There is no record, in the printed minutes, that this resolution was ever acted upon.]

#### X.—THE DIOCESE OF ONTARIO.

[NOTE.—In his charge for 1853, the late Venerable Bishop Strachan stated, "that each of the two great societies [in England] has, with their accustomed liberality, voted a considerable sum, as a beginning towards the endowment of Kingston. In this state the matter rests." —(Charge, page 15.) In the same year a committee was appointed to consider the question of the division of the Diocese. It reported in favor of the formation of two additional Dioceses—one east and the other west," (page 16). In 1856, the question having been brought before the Synod in the address of the Bishop, (page 8 of Proceedings,) a resolution was passed to memorialize the Christian Knowledge Society, and a Committee of English Bishops on Colonial Bishoprics, for a grant in aid of the Episcopal Fund for the new Diocese of Ontario, (page 37. A report from the Rural Dean on the Endowment Fund, will be found on pages 26, 27.) The Bishop, in his annual address to the Synod in Kingston in 1858, (pages 113, 114), made a statement of the amount contributed towards the endowment of the new Diocese. Nothing further was reported to the Synod in 1859 or 1860. In 1861, the endowment having been sufficient, the election of the Rev. J. Travers Lewis, LL.D., as Bishop of the new Diocese of Ontario, took place (pages 217, 228 of Proceedings). To this election, the Bishop of Toronto refers in his address before the Toronto Synod in the same year (pages 263, 264). Correspondence relating to the new Diocese will be found on pages 268-270. An official report of the election of Dr. Lewis will be found on pages 276, 277. An address from the new Diocese of Ontario, to the Bishop of Toronto, with his reply, will be found on pages 281-284. A valedictory address to the Bishop of Ontario was also authorized, (see page 305.) The

consecration of the new Bishop (the first which took place in British North America) was referred to by the Bishop of Toronto in 1862, (page 13, 14 of Proceedings.) The reply of the Bishop of Ontario to an address presented to him, will be found in the Appendix to the page iii, see also page 15 of Proceedings.]

#### XI.—INCORPORATION OF THE SYNOD—UNION OF CHURCH SOCIETY WITH IT.

[**NOTE.**—In 1860, a motion was made that a petition be presented to the Provincial Parliament, praying for an Act for the Incorporation of the Synod. In amendment, the following resolution was passed :]

1. That the resolution, just moved, be referred to a committee, to consider whether such measures cannot be adopted, under the constitution of the Synod, and of the Church Society, as shall provide for the harmonious working of the two bodies, without the necessity of an appeal to the Legislature, and if such measures cannot be adopted, then to apply for an Act of Incorporation, if they shall deem it advisable.—Session of 1860, pages 178, 184, 188, and 201.

[**NOTE.**—To this committee several resolutions were referred.—See minutes of 1860, pages 184, 193, 194. In 1864, the following resolution was passed :]

2. That a committee be appointed to collect information as to the working of the Incorporated Synod of Ontario, with a view to the consideration of having an incorporation of this Synod, to take the place of the Incorporated Church Society of this Diocese, if the report of the working of the Incorporated Synod of Ontario be favourable—Session of 1864, page 31.

[**NOTE.**—In 1865, this Committee brought in a report, (page 28), which was received, (pages 40–44), and the following resolution, on motion of Mr. Harman, was passed in regard to it:]

3. That a select committee of fifteen members be appointed to consider the report, and bill submitted to this Synod, and report at the next Session of the Synod; and if they report in favor of the incorporation of the Synod and Church Society, that they shall report a bill for that purpose, which shall stand first in the order of the day, after routine business—Session of 1865, page 45.

[**NOTE.**—In 1866, a report and draft of bill on the subject was submitted. After some verbal alterations, both were adopted by the Synod. (Pages 22, 34, 49, 51). In 1867, the committee on “Incor-

poration" was reappointed, (page 25), but it did not report in 1868, nor was it reappointed in that year. In January, 1869, however, an Act was passed by the Legislature "to incorporate the Synod of the Diocese of Toronto, and to unite the "Church Society of the Diocese of Toronto therewith."—Session of 1869, pages 110-112.]

### XII.—DELEGATES TO THE PROVINCIAL SYNOD.

[**NOTE.**—The Diocesan and Provincial Synods' Act of 1856-7, (see Appendix to this collection,) having provided that "The Bishops, Clergy, and Laity of the United Church of England and Ireland, in this Province, may meet in general assembly within this Province, by such representatives as shall be determined and declared by them in the several dioceses, the following resolutions were adopted by the Synod in 1858:]

1. As it is most desirable, for the well being of the Church in this province, and essential to the harmonious and consistent working of the synodical action through its various dioceses, that there should be a general controlling power, aided by the advice and assistance of the bishops, acting as a united body, his lordship the Bishop of this Diocese be respectfully solicited to communicate to the Bishops of the several Canadian Dioceses, in order that steps may be taken as immediately as possible for the formation of a Provincial Synod, under the provisions of the Act authorizing the same in Canada. And that representatives from this Diocese, consisting of twelve clergymen and twelve laymen, be chosen by ballot to attend such Provincial Synod, if convened before the next meeting of the Synod of this Diocese.—Session of 1858, page 61; see also pages 65, 66.

[**NOTE.**—The Bishop, in his address before the Kingston meeting of the Synod (page 112 of Proceedings), explained the cause of delay in calling together the Provincial Synod. In his address before the Synod in 1859, he also referred to the subject (page 19), and expressed his belief that the Provincial Synod would be called together during that year. The following resolution was therefore passed:]

2. That twenty-four delegates to the Provincial Synod be elected, viz., twelve clergymen and twelve laymen.—Session of 1859, page 83.

[**NOTE.**—Up to 1862, the mode of electing delegates to the Provincial Synod was not definitely fixed. In that year, however, the following resolutions on the subject were adopted, the system of "election by lot" having been first negatived (page 21 of Proceedings):]

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3.—That the election of delegates to the Provincial Synod shall be the first order of the day, after notices of motion, at the morning session, on the second day of the meeting of the Synod, and shall take precedence of all other business.—No. 1, Session of 1862, pages 20, 21.

4. That two clerical and one lay member of the Synod shall act as scrutineers of the votes of the clergy, and two lay and one clerical member of the Synod as scrutineers of the votes of the laity; the scrutineers for each order to be appointed on motion, by the members of each order separately.—No. 2, *Ibid.*

5. That ballot boxes shall be provided to receive the votes of the clergy and laity respectively. That upon each member of the Synod depositing his vote, a mark shall be placed opposite his name on the roll by the secretary of the order to which he belongs, and that upon the requisition of any three members of the Synod, the number of votes deposited shall be compared with the number of those who have voted upon the occasion. The scrutineers shall hand over the votes to the secretaries of the Synod, whose duty it shall be to preserve them until the election of delegates shall be completed, and then destroy them at the end of the session.—No. 3, *Ibid.*

[NOTE.—The Provincial Synod is further referred to in the Minutes of Proceedings for 1859, 1860, and 1862, pages 83, 151, 175, 179, 268, 270, 280, and 305. In 1862, the following motion, in regard to the Provincial Synod, was proposed, viz.: “That in the event of circumstances arising to prevent the attendance of any of the delegates, clerical or lay, to the Provincial Synod, their places shall be supplied by those [whose names are] highest upon the list of votes; and it shall be the duty of the delegates unable to attend, to advise the Secretary of the Synod thereof in due time, who shall then, under the direction of his lordship the Bishop, notify the parties designated to attend in their place.” To this motion an amendment was carried as follows:]

6. That the Executive Committee be requested to suggest some mode by which, in the event of any of the clerical or lay delegates to the Provincial Synod being unable to attend, substitutes may be provided—Session of 1862, page 41.

[NOTE.—In 1863, the Executive Committee made a report on the subject, (page 13 of Proceedings,) which was adopted, (page 16), and the following resolution was passed :]

7. When the election of delegates to the Provincial Synod takes place, six clergymen and six laymen <sup>A</sup> shall be chosen by the

same ballot, to attend such Provincial Synod, whenever from sickness or other cause the delegates are unable to be present. And whenever any delegates are unable to attend as aforesaid, they shall be excused from such attendance upon notifying the Secretary of the Synod of the fact, at least a fortnight previous to the meeting of the Provincial Synod; who shall then notify the substitutes, selecting them in the order in which they stand in the list, that they are required to attend the said meeting instead of the delegates excused; and it shall be the duty of the Secretary of the Synod duly to certify the election of the said substitutes, in the same manner and at the same time he certifies the election of the delegates to the Secretary of the Provincial Synod, in accordance with the 28th section of the constitution thereof—Session of 1863, pages 16 and 24.

8. In publishing the list of delegates to the Provincial Synod, in the beginning of the Report [of Proceedings] the name of a dignitary of the church [if elected] should head the list, and the name of the [other members] should be printed in alphabetical order.—Session of 1862, page 40.

9. The Executive Committee be directed to provide for the expenses of the Provincial Synod, *pro rata*, on the several parishes.—Session of 1862, page 41.

[NOTE.—The foregoing resolutions governed the election of Delegates to the Provincial Synod, until 1870, when, under the Act of Incorporation, a new constitution of the Synod was adopted. Sections 16, 17, and 18, provided for the election of Delegates to the Provincial Synod, as follows:]

10. There shall be elected annually, by the individual Clerical and Lay members of the Synod, respectively then present, on the second day of the meeting of Synod (as the first order of the day) twelve Clerical and twelve Lay Delegates to the Provincial Synod. Twelve of each order thus elected, having the highest number of votes, shall be the Delegates to such Synod; and six other Clerical and six Lay Representatives whose names shall be next on the ballot, having the next highest number of votes, shall be substitute-Delegates, to attend the Provincial Synod whenever, from sickness or other cause, the Delegates shall be unable to attend the Provincial Synod.

11. Two Clerical members and one Lay Representative, and two Lay Representatives and one Clerical member (to be appointed by the Synod), shall be the scrutineers of the Clerical and Lay vote respectively.

12. Whenever any of the Delegates to the Provincial Synod shall be unable to attend its meetings, they shall be excused from such attendance, upon notifying the Secretaries of the Diocesan Synod of the fact at least a fortnight previous to the meeting of the Synod. The Secretaries shall thereupon notify the substitutes, selecting them in the order in which their names stand upon the list, that they are required to attend the said meeting instead of the Delegates excused.

[NOTE.—The foregoing extracts from the Constitution, together with sections 5, 3 and 9 above, and 13 below, now govern the election of delegates to the Provincial Synod. The following are sections 3 and 28 of the Constitution of the Provincial Synod :]

13. The Clerical and Lay Delegates shall consist of twelve of each order from each Diocese. \* \* \* The election of the Clerical and Lay Delegates shall be certified under the hand and seal of the Bishop of the Diocese which they represent, or, in the absence of the Bishop, the Chairman of the Synod, and such certificate shall be final and conclusive; which certificate shall be forwarded by the Secretaries of the Diocesan Synod to the Secretaries of the Lower House of the Provincial Synod, within fourteen days after said election.— Sections 3 and 28 of Constitution of the Provincial Synod.

### XIII.—RELIEF OF SUPERANNUATED CLERGYMEN.

[NOTE.—Except the publication of a list of members of a "Committee on the relief of Superannuated and Disabled Clergymen," on page 6 of the Report of Synod for 1866, there appears to be no record on the minutes of any proceedings of Synod on the subject. A committee of the same kind was also appointed in 1867 (pages 5 and 25), but no record of any proceedings of Synod on the subject appears in the minutes of that year. In 1868, however, a report was presented to the Synod by the Committee (pages 35-39). The report was adopted, and the following resolution on the subject was passed:]

1. That the Committee on the relief of Superannuated Clergymen be re-appointed, with instructions to prepare a canon on the subject, to be presented at the next Synod.— Session of 1868, page 65.

[NOTE.—In 1869, the Committee reported a canon (page 32). After some discussion the canon "was ordered to stand over to the next session for consideration." In 1870, the canon came up for discussion (page 36), but without any practical result. At length the following resolution on the subject was passed:]

2. That the subject of the necessity of a Superannuation Fund is one on which the Synod is agreed, but that as the

opinions of the Synod as to the mode of raising such a Fund are diverse, it is desirable, and be it resolved, that the whole subject be referred back to the Committee to bring in a matured scheme, in which they will be greatly aided by the valuable suggestions thrown out during this discussion.—Session of 1870, page 38.

[NOTE.—Subsequently, “On motion, the report of the Special Committee on Superannuated Clergymen was referred to the Widows and Orphans’ Fund Committee” (page 65). In 1871, the Committee reported that they had “not been able to devise any plan for the object, which would be practicable at present,” and suggested that the matter be left “over till the next session.” The report was adopted (page 121). No further proceedings of Synod are reported on the subject.]

#### XIV.—INSURANCE ON THE LIVES OF THE CLERGY.

[NOTE.—In 1869, a “Committee on Insurance of the Lives of the Clergy” (of which no record of its appointment occurs in the minutes of 1868), brought in a report which stated that “this most desirable object had repeatedly engaged the attention of the late Church Society,” etc. On motion for the adoption of the report, the following resolution was passed :]

1. That the report be referred back to the Committee, in order that fuller information may be obtained; and that the report be published in the appendix to the proceedings of Synod.—Session of 1869, pages 74 and 91.

[NOTE.—In 1870, the Committee again brought in a report (pages 35 and 195), which was adopted, as per the following resolution :]

2. That the Report be adopted, and that the plan therein recommended be put in operation for the ensuing year; and that with a view to make provision as well for the support of the Superannuated Clergy, as for that of the Widows and Orphans of the Clergy, by means of insurance, it be recommended that the whole subject be referred to the Committee on the Widows and Orphans’ Fund, who shall communicate during the ensuing recess with Committees appointed by the other Dioceses for the purpose, with a view to the formation of a general measure for the whole Province.—Session of 1870, page 65.

[NOTE.—In 1871, the Committee brought in a report on the subject, in which they stated that they had “arrived at the conclusion that the plan is surrounded by many practical difficulties, and that the main object in view, viz.: the assisting the widows and orphans

of the clergy, will be more effectually attained by judicious management and liberal support of the present Widows and Orphans' Fund," (page 121.) The report was adopted.]

### XV.—TRAVELLING MISSIONARIES.

[**NOTE.**—In the late Bishop's charge of 1844, he referred in strong terms to the importance of the labours of Travelling Missionaries, (page 17). In his next charge for 1847, the Bishop again referred to the subject, and mentioned the gratifying fact that at that time the Church had "the means of employing from our own resources, twelve or fourteen Travelling Missionaries." (page 7). In subsequent years, the matter was incidentally referred to by the Bishop, and in the Synod. In 1872, however, on motion of Mr. Chaffee, the following resolution was passed:]

1. That the lord Bishop be respectfully requested by the Synod to take into consideration the propriety of appointing a "Travelling Missionary," whose sole duty shall be to visit and minister to destitute places in the Diocese, collecting statistics, etc., under the direction of the Bishop, and reporting to his lordship and this Synod.—Session of 1872, page 62.

### XVI.—THE HOLY SCRIPTURES.

[**NOTE.**—In his charge of 1856, the late venerable Bishop Strachan referred, with great force and eloquence, to the priceless value of the Bible to our race. He concludes, by saying: "Not all the books on earth would compensate the loss of the Bible to mankind; for it is the Bible, and the Bible alone, that points the way to the mansions where God in CHRIST forever reigneth." (Pages 23-26.) In 1871, the present Bishop referred to "the new translation of the Holy Scriptures, which has been commenced, as an undertaking of interest and anxiety to a large portion of the Christian world." The Bishop also expressed a hope that "many of the divines of the church in the neighbouring United States," and, also, that many of "those who are dissenters from our communion," would be enlisted in this undertaking." This expression of opinion on the part of the Bishop was subsequently, on motion of the Rev. Canon Beaven, embodied in the following resolution:]

1. That the Synod do memorialize the Provincial Synod at its next Session, praying it to make a representation to the Convocation of the Province of Canterbury, respecting the revision of the English Version of the Holy Scriptures, which has been taken in hand under the authority of that Convocation, with a view to the adoption of further regulations, whereby the concurrence of the Irish and Scottish Churches,

the Colonial Church and the sister Church in America, in the principles by which such revision shall be conducted, may be secured.—Session of 1872, page 67.

[NOTE.—In the same year (1871) the memorial authorized in this resolution was presented to the Provincial Synod, (page 19). A committee was appointed by that body to consider the matter, (page 37). That Committee brought in a report to the effect that “under all the circumstances of the case, and especially at this late stage of the proceedings of the Committee of Revision, it is neither expedient nor practicable to carry out the recommendations contained in the memorial.—Provincial Synod Report for 1871, page 47.]

### XVII.—SUNDRY FORMS OF PRAYER.

[NOTE.—In his charge of 1844, the late Bishop speaks strongly of the value of the “Prayers of the Church,” which “place her children in holy communion with God, a position in which the good of all ages have enjoyed with ineffable delight,” (page 24). In his charge of 1847, he points out the character of the Prayer Book as containing “the essence of the gospel in the form of devotional compositions,” (page 47). In his charge of 1851, he refers to it as containing “the most effective and beautiful form of Public Worship that was ever set forth by any branch of the Catholic Church,” (page 37). In his charge of 1860, the Bishop discusses the question of the revision of the Prayer Book (pages 29–32). In the “Order of Proceedings” of the Synod, adopted in 1854, it is directed that:]

1. The business of every day shall be preceded by special prayer, for the guidance and blessing, according to a form authorized by the Bishop.—Session of 1854, page 33.

[NOTE.—In 1857, in a resolution appointing a Committee on Ecclesiastical Music, it was stated that “it is most desirable that the praises of God should be celebrated with all due ecclesiastical propriety and *devotional reality* as possible” (page 24 and 41 of proceedings of 1858). In harmony with this declaration, the committee, in their report of 1858, affirmed, “that the only sure foundation for improvement in these things must be laid in the cultivation of a thoroughly devotional spirit and tone of mind in all, whose privilege it is to take a leading part in the worship of Almighty God. \* \* \* They, therefore, recommend the adoption of “the Special Prayers for the use of Choirs, and of persons who sing, as are already in use in the Dioceses of Newfoundland and Quebec,” which are appended to their report.—(Session at Kingston, in 1858, pages 41 and 45). This report was ordered to “be printed, and sent to every congregation in this Diocese,” (page 67; see also Session of 1860, page 199). At the Kingston Session of Synod, in the same year, the following resolution, on motion of Rev. Dr. Lett, was adopted:]

2. That his lordship the Bishop be respectfully requested to prepare a form of prayer, for the Divine blessing on the proceedings of the Synod, and also to issue directions to each of his clergy to use the same at morning and evening services, until the meeting of Synod, in their several churches and chapels, so soon as they shall have received notice of the meeting of Synod.—Session at Kingston, page 140.

[NOTE.—In 1860, on motion of Col. O'Brien, the Bishop was requested to "set apart a day, both in seed time and harvest," for "asking the Divine blessing on the labours of the husbandmen." The Bishop was also requested:]

3. To appoint suitable prayers to be then used, in addition to the ordinary service of the day.—Session of 1860, page 189.

[NOTE.—In 1862, a motion by Rev. Dr. Beaven: "That a Committee be appointed to examine and report on the prayers for the Governor-General and the Provincial Legislature, and the rubries thereon, with a view to their modification," was withdrawn, with the understanding that the Provincial Synod was the proper body to deal with the subject, (Session of 1862, page 37.) In 1861 and 1862, the Provincial Synod discussed, and provided these forms of prayer, (see page 81 of Proceedings of 1862.) In 1866, on the Bishop's intimation of his wish, for the election of a coadjutor, the following resolution, on motion of Rev. J. H. McCollum, was passed:]

4. That the lord Bishop be respectfully requested to provide a form of prayer, to be used in all the congregations of the Diocese, for the Divine direction and guidance in the choice of a clergyman, to fill the office of a Coadjutor Bishop.—Session of 1866, page 64.

[NOTE.—This form of prayer will be found on page 30, of the Proceedings of the Special Session for the election of a coadjutor bishop, in 1867. In 1869, on the incorporation of the Synod, a provisional constitution was adopted. Section 8, page 84, contains the form of prayer, authorized to be used, by resolution No. 2, above. This prayer was retained in the amended constitution, finally adopted in 1870, page 89. In his address, in 1871, the Bishop strongly condemns the use of a "Prayer for the Dead," which the existence of a secret society in the diocese had brought under his notice, (pages 29-31). In the same year, (1871), on motion of Rev. Rural Dean Lett, the following resolution was passed:]

5. That in addition to the prayers heretofore used at the opening of the Synod, and in the several churches [and chapels in the diocese], previously to the meeting of Synod, the \* \* \* prayer [for unity] from the Accession Service be also used.—Session of 1871, page 65.

[**NOTE.**—The resolution, authorizing the use of foregoing prayer, was confirmed in 1872, (page 60), and its insertion in the programme of Synod proceedings, was directed to be made in the same year, (page 59). On motion of Rev. H. C. Cooper, the following resolution was passed :]

6. That his lordship the Bishop be respectfully requested to prepare a form of prayer, to be used at Missionary Meetings.—Session of 1872, page 61.

[**NOTE.**—The Bishop, on motion of Mr. Marling, was also asked at the same Synod :]

7. To provide some authorized form, or forms, of Service, which may be used at Sunday School Festivals, and for special occasions, when large numbers of children may be gathered together for common worship and instruction.—*Ibid*, page 62.

[**NOTE.**—The special forms of prayer, authorized for use by a Provincial Synod, will be found, or referred to, in the report of its proceedings. Prayer for Synod, in 1861, page 87; for Governor-General, in 1862, page 81, 82; for Harvest Thanksgiving, in 1865, page 50 :]

### XVIII.—CONSOLIDATION OF THE CANONS, RULES, ETC.

[**NOTE.**—In 1864, on motion of J. George Hodgins, the following resolutions were passed :]

1. With a view to ascertain what resolutions and canons have received the sanction of the Synod, it be an instruction to the secretaries to employ a person to collect from the official minute-book, and append to the printed minutes for this year, a copy of each canon or resolution which has been duly passed since 1858, with an index.—Session of 1864, page 20.

2. A similar appendix and index for each succeeding year shall be prepared and inserted in future in the annual printed minutes of the proceedings of the Synod.—*Ibid*.

3. The compilation of the proposed list of canons and resolutions, when prepared, be submitted to the committee on the vestry manual for its approval, before being printed in the Appendix to the printed Minutes of the Synod.—*Ibid*.

[**NOTE.**—On the completion of the edition of Canons and Resolutions by Mr. Hodgins, in 1865, the Rev. J. Gamble Geddes, M.A., and Dr. Bovell, Honorary Secretaries of the Synod as a Committee, presented a report on the subject, containing the following: “The Committee cannot speak too highly of the manner in which this gentleman has performed the work. With a vast deal of labour and industry, he has gone carefully through all the proceedings of successive Synods of the Diocese, from the date of the first Synod to the

present time, and produced a clear and lucid arrangement of all the Canons and Resolutions that have ever received the sanction of the Synod. In addition to this, it will be found that several interesting public documents, which have hitherto not been easy of access, and which have an important bearing upon the introduction of Synodical action into the Diocese, have been prefixed or appended to the compilation, and for the whole a convenient and comprehensive index has been prepared. An amount of information has thus been afforded, which must prove of the greatest utility to the members of the Church of England in this Diocese, for all time to come." The report was unanimously adopted. Session of 1865, pages 19, 55. In 1867, the following resolution was also passed : "That the thanks of this Synod are due to J. George Hodgins, Esq., for his excellent and useful Report of the proceedings of this Synod."—Session of 1867, page 68. In 1869, on motion of Mr. N. F. Patterson, the following resolution was adopted :]

4. That the Rev. H. C. Cooper, Messrs. J. George Hodgins, F. J. Joseph, and the mover, be a Committee to consolidate all the Canons, Rules, Regulations, and By-laws of the Synod now in force, and report thereon at the next meeting of the Synod; and cause the same to be printed and distributed at least one month before such meeting.—Session of 1869, page 73.

[In 1870, on motion of Rev. H. C. Cooper, the following resolution was passed :]

5. That the Committee on the Consolidation of the Canons, appointed at the last session of the Synod, and the Rev. Dr. Lett (in place of Dr. Bovell), be reappointed, with instructions to report at the next annual meeting of the Synod.—Session of 1870, page 35.

[In 1871, the Committee reported, "that the Consolidation of the Canons, Resolutions and By-laws is completed up to the date of the close of the Session of 1870, but recommends that the printing of the same be deferred till after the termination of the present Synod, in order that the Canons adopted at this Session may be incorporated with it. The Committee also respectfully recommends that all Canons of the Provincial Synod, and all Acts of the Legislature affecting this Diocese, be appended to the same." On motion of Rev. H. C. Cooper, the following resolution was passed :]

6. That the Report be adopted, and that the Committee be re-appointed, with instructions to have their compilation of the Canons printed with the additions named in their report, and send a copy of the same to each member of the Synod before the next annual meeting thereof.—Session of 1871, pages 58 and 176.

[In the same year (1871), on motion of Dr. Hodgins, the following resolution was also passed, with a view to have the by-laws, &c., therein named, appended to the Canons and Resolutions :]

7. That in order to compile an authentic record of the By-laws and Standing Regulations of the late Church Society, it be an instruction to each of the various Standing Committees of the Synod to prepare a synopsis of all such By-laws and Regulations now in force, so far as they may affect such Committee, and append them to their Annual Reports to the Synod for next year.—Session of 1871, page 69. On the completion of the Canons, etc., in 1872, on motion of S. B. Harman, Esq., the following resolution was passed:

8. That the thanks of the Synod are due, and are hereby recorded and tendered to the Committee who have prepared the new edition of the Canons, By-laws and Resolutions of Synod, and especially to Dr. Hodgins, as the principal compiler of the same.—Session of 1872, page 65.

## XIX.—MEETINGS OF THE SYNOD AND ITS COMMITTEES.

### 1.—PRECEDENCE OF IMPORTANT BUSINESS.

[**NOTE.**—In 1868, on motion of Rev. H. Holland, it was resolved:]

That in order to prevent the postponement until a late period of the session of important matters affecting the interest of the Diocese, at future meetings of the Synod the consideration of Reports of Committees and of all motions in the judgment of the Executive Committee, specially pertaining to the Diocese, shall take precedence of all other motions.—Sessions of 1868, page 70.

### 2.—COMPOSITION OF STANDING COMMITTEES.

In 1872, on motion of Dr. Hodgins, it was agreed to, “that it be an instruction to the Executive Committee, that, as general rule, in the selection of Members of the Standing Committee, from two-thirds to three-fourths of the Members of each Committee, who have attending its meetings most regularly, shall be eligible for re-nomination on such Committee. The remaining members shall be selected from Members of Synod on the Secretaries’ list, who were not on any of the Committees of the preceding year.—Session 1872, page 56.

### 3.—SYNOD REPORTER.

On motion of Col. O’Brien, it was resolved:

That the Executive Committee be requested to take such measures as may seem to them desirable, for the purpose of obtaining the services of a competent Reporter, in order that a sufficient and truthful statement of proceedings and reasons for action may be given to the public.—Session of 1872, page 63.

### TEN MINUTE SPEECHES.—APPOINTMENT OF ASSESSORS.

On the recommendation of the Executive Committee, it was decided:

That every speaker, except in moving and seconding any motion, be limited to ten minutes, and that all speakers be timed by an Assessor or Assessors, to be appointed by the Bishop, to aid in the

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The Bishop named the two Archdeacons as his Assessors.

CHANGE OF DAY FOR QUARTERLY MEETINGS.

On motion of C. Magrath, Esq., it was resolved:

That the 23rd section of the Constitution be so amended that the word "Tuesday" be struck out, and the words "Thursday or following day" be inserted.—Session of 1872, page 58.

ENTERTAINMENT OF MEMBERS OF SYNOD.

In 1868, on motion of Dr. Bovell, it was agreed:

That the Executive Committee be requested to make provision for the reception and entertainment of the members of Synod during future sessions.—Session of 1868, page 66.

XX.—"CHURCH CHRONICLE" AND "CHURCH HERALD."

NOTE.—In 1866, on motion of C. Magrath, Esq., it was resolved that: Whereas the Church Society has agreed to pay \$150 towards the arrears due Mr. Rowsell on account of the *Church Chronicle*, on condition that the "Synod" pays \$100, and Trinity College \$50, and that Mr. Rowsell can look to the subscription list to make up the balance due him, and that he releases all claims to said arrears—Resolved, that Mr. Rowsell be paid \$100 towards the arrears due him as publisher of the *Church Chronicle* for the last three years.—Session of 1866, page 59.

In 1870, it was moved by the Rev. J. Carry,

That brief notices of the meetings of the several Committees of Synod, as formerly, and of the Quarterly meetings of the Church Society, be in future published in whatever paper the Synod may choose; giving the names of the members in attendance, and an outline of the work done; and that copies be sent to all the members of the Synod.

Moved in amendment by Dr. Hodgins, and carried,

That the motion of the Rev. J. Carry, and the following notice of motion of the Mover be referred to the Executive Committee, with power to act thereon, viz.:—

(1.) That a publication (to be called the *Toronto Synod Gazette*,) shall be issued quarterly by the Secretaries, under the direction of the Bishop, and sent free to each member of the Synod.

(2.) This *Gazette* shall contain the following information:

(a) A summary of the proceedings of each of the Quarterly and other meetings of Committees of Synod, with the names of members present.

(b) The "Journal" of proceedings of the Synod, now published in a separate form.

- (c) **Pastorals, &c., issued by the Bishop, and Official Notices from the Bishop, the Secretaries, or other Officers and Committees of Synod.**
- (d) **Copies of Reports of Committees submitted to the Synod by the Executive Committee, as provided in the 20th Section of the constitution.**
- (e) **Acknowledgments of all Moneys received from Parishes or Missions on behalf of any Synod object.**
- (f) **Any Circulars or Notices relating to the business of the Synod, not included in the foregoing sections.—Session of 1870, page 65.**

Subsequently, in the same session, the following resolution, on motion of Rural Dean Allen, was passed :

**That the *Church Chronicle* be suspended, and Reports, &c., of Synod be published in the *Church Herald*.—Session 1870, page 79.**

[**NOTE.**—An effort, made in 1871, to set aside this resolution, and publish a “Synod Gazette” failed.—Session of 1871, page 85.

## XXI.—RESOLUTIONS ON VARIOUS SUBJECTS.

### 1.—ELECTION OF THE METROPOLITAN (DR. OXENDEN).

**Moved by the Rev. the Provost of Trinity College, seconded by the Ven. Archdeacon of Toronto :**

**That this Synod desires to record the lively satisfaction with which it has witnessed the happy termination of the protracted difficulty relating to the election of a Metropolitan, by the choice of the highly esteemed clergyman who has accepted the office.—Session of 1869, page 78.**

### 2.—FREE SEATS IN CHURCHES.

**On motion of Rev. Dr. Lett, it was resolved :**

**That, in view of the missionary character of this Church, this Synod strongly recommends, that in all cases where it is practicable, the seats in churches hereafter built in this Diocese should be free and unappropriated.—Session of 1872, page 43.**

### 3.—PROBATIONARY DUTY OF MINISTERIAL CANDIDATES.

**On motion of Rev. W. T. Smithett, it was resolved :**

**That in the opinion of this Synod, it would tend very materially to advance the interests and promote the extension of the Church in this Diocese, were a system introduced by which candidates for the Ministry, while at the same time they are gaining an insight into parochial work, might assist the Incumbent in large and extended missions. And that this Synod humbly request the lord Bishop to take such steps as may bring about this end.—Session of 1872, page 54.**

## 4.—CHURCH, PARSONAGE, AND SCHOOL ARCHITECTURE.

It was moved by the Rev. J. D. Cayley, and agreed to:

That a select committee be appointed whose duty it shall be to report to the next meeting of Synod some general scheme for obtaining plans and sketches of churches, school-houses, parsonages, and church furniture, and for giving such facilities to parishes desirous of building, as may assist in securing, throughout the Diocese, buildings of a suitable character.—Session of 1872, page 57.

## 5.—REV. JOHN PENTLAND'S CASE.

In 1866, Rev. John Pentland presented a petition to the Synod, which was referred to a committee. His case was reported upon, and the report agreed to as follows:

The committee recommend that as soon as the Synod shall be in funds to that amount, the sum of \$120 be granted to Mr. Pentland, to be paid in monthly instalments of \$10.—Session of 1866, page 38.

## 6.—REV. SOLOMON BRIGGS' CASE.

On motion of Rev. Canon Baldwin, it was resolved:

That the Synod recommend that, inasmuch as the Rev. S. Briggs has not received anything from the Church Society or Mission Board of the Diocese since October, 1868, the proposed grant of \$200 per annum do date from the 1st of October last.—Session of 1870, page 76.

In 1871, on motion of S. H. Blake, Esq., it was agreed:

That from the present time the sum of \$120 a year, recently paid from the General Purposes Fund of the Diocese to the late Rev. J. Pentland, be paid to the Rev. S. Briggs until further resolution of the Synod.—Session of 1871, page 68.

## XXII.—ADDRESSES TO HER MAJESTY THE QUEEN.

[**Note.**—The addresses to Her Majesty the Queen will be found in the minutes for 1853, page 29, and for 1859 page 99. That adopted in 1853 related to the authority of the Church of England and Ireland in Canada to meet in Synod, and prayed "Her Majesty to give [Her] royal sanction to such a measure as shall remove all doubt as to the lawfulness of the holding of Synods in the colonial dioceses of [Her] empire." (For assent of the Queen to such a measure see page 12 of Proceedings of 1857.) The address of 1857 contained the thanks of the Synod for Her Majesty's assent to the Synod Bill. That of 1859 prayed for the appointment of a Metropolitan. In 1866, on the election of the coadjutor Bishop of Niagara, a petition was addressed to the Queen, asking Her Majesty to approve of the election of the Bishop, and to issue the necessary authority for his consecration. (Special session of 1867, page 50.) In 1868 an address

to the Queen on the disestablishment of the Irish Church was adopted. (see page 248 of this compilation.) In the same year (1868) an address of sympathy to Her Majesty, on the attempt to assassinate Prince Alfred, was cordially adopted by the Synod (page 67 of Proceedings). In 1869, a reply to this was received by the Synod (page 27). In 1872 a congratulatory address on the recovery of the Prince of Wales was cordially adopted by the Synod. (Page 47 of Proceedings.)

### XXIII.—ADDRESS TO THE PRINCE OF WALES.

[**NOTE.**—In 1860, the Prince of Wales visited Canada. The Synod at its June meeting appointed a committee to prepare a congratulatory address to His Royal Highness (see page 84). The following resolution was also passed :)

1. That the committee on the address to H. R. H. the Prince of Wales be continued and instructed to report the address to a special meeting of the Synod, which his lordship the Bishop be requested to call for that purpose, in order to its presentation to His Royal Highness.—Session of 1860, pages 188, 189.

[**NOTE.**—In September, 1860, this special session was held, and an appropriate address unanimously adopted. On the 8th of September, the address was presented to the Prince (pages 209, 212 of Proceedings). His reply to the address will be found on pages 267, 268. In 1872, a congratulatory address to the Queen was unanimously adopted by the Synod, on the recovery of the Prince of Wales from his dangerous illness.—Session of 1872, page 47.]

### XXIV.—ADDRESSES TO THE GOVERNOR AND TO THE LEGISLATURE.

**NOTE.**—In 1853, a petition to the Legislature was adopted, against the Clergy Reserve spoliation, (page 10 of Proceedings.) A congratulatory address to His Excellency, Sir Edmund Head, and his reply to it, will be found on pages 19 and 30, of the Proceedings of 1856. In 1858, an address was proposed to be presented to the Governor General and the members of the Legislature, praying for separate schools, (pages 41, 53) but it was not adopted. A similar address was proposed, but not adopted, at the Kingston meeting of 1858, (pages 138–140, of Proceedings.) An address to the same, praying for the erection of an inebriate asylum, was proposed in 1859, and adopted, (pages 64, 76, 88, 89; see also page 186 of Proceedings of 1860; pages 284 of 1861; page 32 of 1862; and page 24 of 1863). In 1866, a committee of the Synod was authorized to present a petition to the Legislature, on the incorporation of the Synod (page 50). A memorial on Ragged Schools was also presented to the Legislative Council and Assembly in the same year (1866) page 57. In 1868 a memorial on the same subject was presented to the Legislature.

(page 65). In 1869, a congratulatory address to Sir John Young, Governor General, on his assumption of office, was agreed to, (page 58, 62). In 1870, a reply was received to this address, (page 29).

#### XXV.—RESOLUTIONS OF THANKS TO THE LATE BISHOP OF TORONTO.

1. That the thanks of this meeting are justly due, and are hereby most cordially to the lord Bishop of Toronto, for the extraordinary degree of zeal and energy which he has manifested on the present critical emergency of the Church in this Diocese, and also for the dignified, impartial and courteous manner in which his lordship has presided over our deliberations.—Session of 1851, page 12.

[**NOTE.**—No formal vote to the Bishop is recorded in the Proceedings of 1853 and 1854. There was no session in 1852 or 1855. In 1856, the following resolutions were passed :]

2. That the thanks of the clergy be respectfully offered to the Right Rev. the lord Bishop of the Diocese, for the valuable charge addressed by him to the clergy, at his lordship's visitation on the 30th instant, and that his lordship be requested to permit the same to be published for the more lasting edification of the clergy.—Session of 1856, page 38.

3. That the cordial thanks of this Synod be most respectfully tendered to the lord Bishop, for the great ability, the unwearied patience and the paternal kindness, both to the clergy and laity, with which he has presided over the deliberations of this Synod.—*Ibid.*

[**NOTE.**—In 1857, a similar vote of thanks to the Bishop was unanimously adopted, (see page 29 of Proceedings). At the Toronto Session, in 1858, a similar vote was passed, (page 74), and also at the Kingston Session in the same year, (page 148.) No vote on the subject is recorded in the minutes from 1859 to 1863, inclusive. An address was, however, presented to the Bishop in 1859, by the Synod of the new Diocese of Huron, (see Proceedings of 1859, pages 26, 27,) and one from the new Diocese of Ontario in 1861, (pages 281, 283). In the same year a vote of sympathy with the Bishop, in connection with Trinity College, was passed by a vote of 84 to 24, (pages 285, 286). In 1864, the following resolution was unanimously adopted :]

4. That this Synod avails itself of the opportunity afforded by the present session of again placing on record, an expression of the sincere respect and affection which its members, in common with the whole Diocese, entertain for the venerable Bishop who has so long presided over them, and a grateful acknowledgment of the services which he has rendered to its Church during his lengthened episcopate [of 25 years]. Session of 1864, page 22. (See section xxvii., on page 275 of this compilation.)

## XXVI. RESOLUTIONS OF THANKS TO VARIOUS PARTIES.

1. To the Hon. J. H. CAMERON:—In 1856, an address was presented to Mr. Cameron by the Synod, for his exertions in regard to the Clergy Reserve commutation fund, and for other services. The following is an extract:—“The Bishop, Clergy, and Lay Delegates of Toronto, in Synod assembled, beg leave to avail ourselves of an opportunity favourable to tender to you our most cordial and grateful thanks, on behalf of the whole church in this Diocese, for the unwearied zeal, the self-denying exertions, and faithful devotion to her cause, manifested by you for many years past, and especially during the late important crisis in her history etc.,” “to this address Mr. Cameron made a suitable reply.—Session of 1856, pages 39, 40.

2. To J. W. GAMBLE, Esq.:—In 1856, a vote of thanks to Mr. Gamble for his services in the legislature was adopted, page 37, as follows: “that the thanks of this Synod are justly due and are hereby given to J. W. Gamble, Esq., and to those members of Parliament, who have consistently supported the Church of England in this Province in the defence of their rights, and who to the last moment defended the maintenance of her property,” Session of 1856, page 37.

3. To J. GEORGE HODGINS, Esq.—On the completion of the “edition of Canons and Resolutions by Mr. Hodgins, in 1865, the Honorary Secretaries of the Synod, as a Committee, presented a report on the subject, containing the following:—“The Committee cannot speak too highly of the manner in which this gentleman has performed the work. With a vast deal of labour and industry, he has gone carefully through all the proceedings of successive Synods of the Diocese, from the date of the first Synod to the present time, and produced a clear and lucid arrangement of all the Canons and Resolutions that have ever received the sanction of the Synod. In addition to this, it will be found that several interesting public documents, which have hitherto not been easy of access and which have an important bearing upon the introduction of Synodical action into the Diocese, have been prefixed or appended to the compilation, and for the whole a convenient and comprehensive index has been prepared. An amount of information has thus been afforded which must prove of the greatest utility to the members of the Church of England in this Diocese, for all time to come.” The report was unanimously adopted. Session of 1865, pages 19-55.

In 1867, the following resolution was also passed: “That the thanks of this Synod are due to J. George Hodgins, Esq., for his excellent and useful Report of the proceedings of this Synod.” Session of 1867, page 68.

4. S. B. HARMAN Esq., B. C. L.—The Journal of the proceedings for the election of the coadjutor Bishop of Niagara, in September, 1866, having been prepared by S. B. Harman, Esq., Registrar of the Diocese,

and Lay Secretary of the Synod for that Special Session, his services in this matter were thus recognized by the Synod of 1867. "Resolved, That the acknowledgments of the Synod are due, and are hereby very cordially tendered, to the Registrar of the Diocese, S. B. Harman, Esq., not only for zealous and valuable service rendered to the Church for a long series of years, but more particularly at the last meeting of the Synod, for his able assistance in drawing up the carefully considered Order of Proceedings, and system of balloting, and arranging the very impressive and dignified ceremonial in the Cathedral at the election of the Coadjutor Bishop. The Synod also desire to record their appreciation of the subsequent, but not less important duties, which devolved upon the Registrar in preparing and publishing the Journal of the Synod, forming together a most valuable series of precedents for the future use of the Church in Canada.—Session of 1867, page 42.

5. To THE INDIAN MISSIONS COMMITTEE:—In 1860, a vote of thanks was passed: "to the Committee on Indian Missions, for their earnest and indefatigable labours during the past year." Session of 1868, page 70.

6. To THE REV. J. GAMBLE GEDDES, M. A.—In 1868, the following resolution was unanimously passed: "That the best thanks of this Synod are justly due, and are hereby cordially given, to the Rev. John Gamble Geddes, M. A., for the very able and satisfactory manner in which he has discharged the laborious duties of Clerical Secretary of the Synod during the many years he has filled that office."—Session of 1868, page 25. (See number 1 of next section.)

7. To DR. BOVELL.—In 1870, on the election of an Honorary Lay Secretary during the absence of Dr. Bovell, "Mayor Harman, paid a suitable tribute to the valuable services of the late Lay Secretary (Dr. Bovell,) now absent in the West Indies," which was unanimously and cordially concurred in by the Synod. Session of 1870, page 25.

8. To S. H. BLAKE, Esq.—In 1870, the thanks of the Synod were unanimously voted to Mr. S. H. Blake for his admirable explanation of the Report of the Clergy Commutation Trust Committee. "Session of 1870, page 44.

9. To THE CHRISTIAN KNOWLEDGE SOCIETY.—In 1870, the following resolution was passed:—That the lord Bishop of the Diocese be requested by the Synod now in Session to tender its grateful thanks for the kind sympathy evinced by the venerable Society for promoting Christian Knowledge, for the labours of our missionaries in presenting for distribution, in Rural Parishes, forty Libraries selected from the list of its valuable publications. Session of 1870, page 80.

10. To the PROPAGATION SOCIETY.—In 1872, on motion of Chief Justice Draper, it was cordially agreed to: That this Synod acknowledges, with profound interest and satisfaction, the generous offer

which has been made by the Society for the Propagation of the Gospel in Foreign Parts, of a grant of £950 in aid of a fund for the establishment and support of a Missionary Bishop in the Algoma District, on condition that a sum of £4,000 be raised locally for the same object by the year 1875; and the Synod hereby endorses the acceptance of the offer already made by his lordship the Bishop, and pledges itself to raise its quota, the required sum.—Session of 1872, page 44.

11. To COMMITTEE ON COMPILEATION OF THE CANONS.—In 1872, the following resolution was passed:—That the thanks of the Synod are due, and are hereby recorded and tendered to the Committee who have prepared the new edition of the Canons, By-laws and Resolutions of the Synod, and especially to Dr. Hodgins, as the principal compiler of the same. Session of 1872, page 65.

12. To the Preacher before the Synod, Secretaries, Treasurer, Ladies of Toronto for lunch, organist (J. Carter, Esq.) choir, railway companies, mechanics' institute, Dominion Telegraph Company, and other parties, &c., at the close of each session.

#### XXVII. VOTES OF CONDOLENCE AND SYMPATHY.

1. The Rev. J. GAMBLE GEDDES, M.A.:—In 1858, the following resolution was passed: “That this Synod would express its deep regret for the melancholy occasion of the absence of the late Clerical Secretary, the Rev. J. G. Geddes, from this meeting, and would acknowledge with gratitude the great ability and courtesy with which he discharged his onerous duties during its previous Sessions.”—Session of 1858, page 73.

2. The Rev. P. JACOBS.—In 1864, the following resolution was passed: That this Synod deeply feels the loss that the Church has sustained by the recent decease of the Rev. P. Jacobs, and earnestly sympathize with his bereaved Widow in the loss she has sustained.”—Session of 1864, page 31.

3. Hon. G. S. BOULTON.—In 1869, the following resolution was passed: “That the Synod desire, before separating, to place on their records an expression of the deep and sincere regret with which they regard the death of the late Honorable George Strange Boulton, as that of an old and valued Churchman, who has ever zealously advocated the cause of the Church in the Church Society of which he was one of the earliest members and a Vice-President, in the Diocesan and Provincial Synods, and in every other way in which he could advance her holy and sacred cause.”—Session of 1869, page 59.

4. BISHOP FULFORD.—In 1869, the following resolution was passed: “That the lord Bishop be respectfully requested to communicate to Mrs. Fulford, on behalf of the Synod, its sincere condolence with her under her mournful bereavement, and its sentiments of deep respect

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for the memory of the late Metropolitan of Canada."—Session of 1869, page 78. (The reply from Mrs. Fulford is reported on the minutes for 1871, page 33.)

5. **BISHOP STRACHAN:**—In 1868, the death of the late venerated Bishop Strachan was touchingly referred to by Bishop Bethune in his opening address to the Synod. A Committee was appointed to prepare an address on the subject, which was reported to and adopted by the Synod as follows:—"The Synod of the Diocese of Toronto in this their first assemblage since the decease of the late revered and beloved Bishop, beg respectfully to offer to the members of his family their profound condolence and sympathy; for in him the Church has lost a father, this Synod a counsellor and guide. But, amid the sorrowful regrets occasioned by the severance of ties so sacred, they feel that there is deep and enduring consolation for all in the retrospect of a life so nobly spent, so providentially prolonged, so fraught with lasting benefits to the Church; and, while history shall perpetuate a career so honourably interwoven with the annals of our country, and the records of the Canadian Church hand down to posterity the happy memory of its first Bishop, faith points cheerfully to the crown of glory awaiting the accepted, "when the Chief Shepherd shall appear."—Session of 1868, pages 14, 26 and 54.

6. **BISHOP STRACHAN MEMORIAL:**—In 1871, on motion of the Rev. T. S. Cartwright, the Synod resolved:

That considering the long and valued services which were rendered to the Church and Country by the late Right Reverend Dr. Strachan, first Bishop of the Diocese of Toronto, and the general and well-deserved estimation in which the character of his lordship is held, not only by the Church of this Diocese, but by the community at large, this Synod is of opinion that it will be a graceful tribute to his memory to erect some fitting memorial in which all the members of the Church and the public generally can unite; and that without reference to any scheme which may hitherto have been proposed, his lordship the Bishop be respectfully requested to nominate a Committee, consisting of an equal number of Clergy and Laity, who shall immediately consider the subject with due regard to the claims of the venerable Prelate, and both the necessities and resources of the Diocese, and who shall report to the present Synod a practicable plan for performing this imperative and too long neglected duty; and that should the Synod concur in the report of the Committee, the plan recommended be forthwith carried into effect.—Session of 1871, page 62.

In 1872, a report on the Strachan Memorial having been presented to and concurred in by the Synod, it was then moved by the Rev. the Provost, and agreed to:

That the Synod pledges itself to use its best endeavours to carry out the proposals in the Report, which has just been adopted, by

raising within each parish or mission in the Diocese, by two yearly instalments, a sum averaging fifty cents for every member of the Church within that parish or mission, according to the census of 1871; and that the lord Bishop be respectfully requested to appoint a Committee to take the necessary steps for carrying out the object proposed.—Session of 1872, page 51.

It was also moved by Wm. Magrath, Esq., and concurred in :

That the clergyman, lay representatives and churchwardens of each parish do constitute themselves a committee to collect the sum of *fifty cents* for each member of our Church, according to the census of 1871, for the purpose of erecting the buildings proposed as a memorial to the late Bishop Strachan.—Session of 1872, page 59.

It was further moved by the Rev. the Provost, and agreed to :

That the Committee appointed by his lordship the Bishop to carry out the objects of the Bishop Strachan Memorial, be instructed to report from time to time to the Executive Committee, and that the Executive Committee is hereby authorized to advise the Committee on any subject on which they report to them.—Session of 1872, page 64.

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## PART III.

### *Canons of the Synod of the Diocese of Toronto.*

[**NOTE.**—The following important documents may be regarded as coming under the head of the enacted Canons of the Diocese. As they occupy so much space they are not reprinted, but they may be found on the pages indicated.]

I. DECLARATION OF THE BRITISH N. AMERICAN (DOMINION) BISHOPS IN 1851 .....	see page 33
II. DECLARATION OF THE CANADIAN (PROVINCES OF ONTARIO AND QUEBEC) BISHOPS IN PROVINCIAL SYNOD, 1861...	41
III. DECLARATION OF THE QUEEN'S SUPREMACY .....	43
IV. DECLARATION ON THE PART OF THE SYNOD OF THE DIOCESE OF TORONTO .....	44
V. DECLARATION OF THE RIGHT OF THE CHURCH TO MEET IN SYNOD .....	47
VI. CONSTITUTION OF THE INCORPORATED SYNOD OF THE DIO- CESE OF TORONTO .....	55
VII. RULES FOR THE PRESERVATION OF ORDER .....	74

### *VIII. Canons of the Synod of the Diocese of Toronto:*

ARRANGED IN THE ORDER IN WHICH THE SUBJECTS MENTIONED OCCUR IN  
THIS COMPILATION.

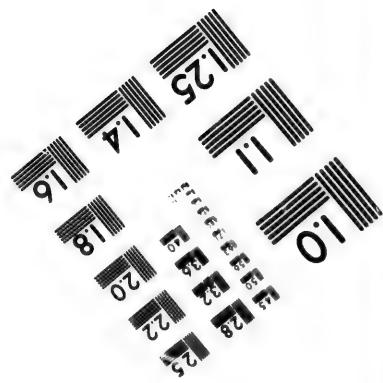
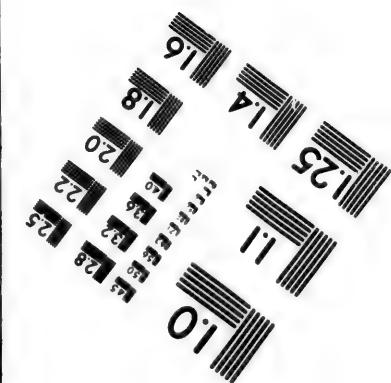
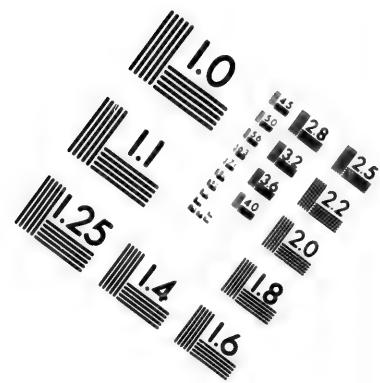
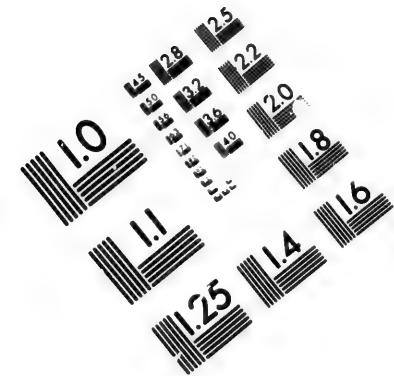
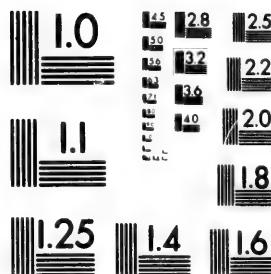
#### 1.—CONSTITUTION OF VESTRIES FOR FREE CHURCHES.

(See page 79 of this Compilation.)

##### *Members of Free-seat Churches to form Vestries.*

Be it enacted, that in all such churches in this Diocese, where, by reason of the seats being free no vestry can be formed, the members of the congregation of each said church shall have power and authority to constitute and form a vestry. And such vestry shall consist of such members, being of the full age of twenty-one years, as shall declare themselves in writing, in a book to be procured for that purpose by the congregation, to be members of the United Church of England and Ireland, and habitually attending worship in such church. And being so formed and constituted, such vestry shall have the same power and authority, and do and perform such matters and things as are possessed and done by vestries formed of holders of pews or sittings in other churches.

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*Vestry not to change any Right, Rule or Custom.*

Provided always, that such vestry shall have no power or authority to interfere with, alter or change any right, rule or custom existing in such church by virtue of any gift, endowment or regulation of the Bishop of the Diocese, or right or interest reserved by him. Such right, rule, custom or reserved right or interest being set forth and recorded, either in a deed of gift or endowment, or by order of the Bishop, in the book hereinbefore directed to be provided for the enrolment of the members of the vestry, and which record shall be authenticated by the then incumbent of such church, and by the first (not less than three) members of the congregation then enrolling their names.—June Session of 1858, pages 59, 60, 88, 89.

## 2.—ERECTION AND DIVISION OF PARISHES, AND SETTLEMENT OF PARISH BOUNDARIES.

(See page 81 of this Compilation.)

Whereas it is expedient that defined local bounds be assigned to each settled cure, duly organized within this Diocese, and also that provision be made for the division and sub-division of existing parishes. Be it therefore enacted, by the Synod:

*Conference of Adjacent Parishes to arrange Boundaries.*

1. That the clergymen and churchwardens of each settled cure, now or hereafter to be established, shall from time to time hold a conference or conferences with the clergymen and churchwardens of the adjacent parishes, and report the same to the lord Bishop for his consideration, and should his lordship approve of the same, then the boundaries so arranged, approved, and declared, shall be the boundaries of the parishes or cures aforesaid; and that the expenses attending the commission shall be borne by the parishes interested, in such proportion as the commissioners may deem just.—No. 1, Session of 1858, pages 87, 88 and 88\*; amended at the Session of 1862, pages 40 and 41.

*Where Non-agreement, Commission to Settle the Matter.*

2. That in cases where the boundaries cannot be arranged by such mutual agreement, then that the Bishop be requested to issue a commission to two clergymen, and to one lay representative, none of whom shall be locally connected with said parish or cure, directing and authorizing them to investigate the merits of the case, and to decide thereon and to report their decision to the lord Bishop for his consideration, and should his lordship approve of the same, then the boundaries so arranged, approved and declared, shall be the boundaries of the parishes or cures aforesaid.—No. 2, Session of 1858, pages 57, 87, and 88\*.

*Boundaries not to be changed for Five Years—Presentation.*

3. That the boundaries of a parish or cure being once defined, approved and declared, may not be disturbed within the space of five

years, except in the case of new parishes. And that every new and distinct parish that shall be erected as hereinafter provided, shall be deemed, and is hereby declared to be a parish or benefice with cure of souls; and that the right of presentation, upon avoidance, to the said benefices, unless legally vested in some other person or persons, shall vest in, and be exercised by the Bishop of the Diocese; and that after collation, institution and induction by the Bishop, the person so appointed to any such benefice shall be styled, and to all intents and purposes deemed, the Rector of the said Parish.—No. 3, Session of 1858, pages 57, 87, and 88\*; amended at the Session of 1859, pages 32, 33 and 90 (section of Canon called §2 by mistake on page 32).

*Mode of setting apart New Parishes.*

4. When any of the parishioners residing in any parish or any adjoining parishes, shall ~~have~~ desire to have a new and distinct parish erected, the said parishioners shall present a memorial to the lord Bishop, stating fully the reasons moving thereto, also the proposed boundaries of the contemplated new parish, and whether the rector or rectors of the parish or parishes aforesaid be a consenting party, and when the Bishop of the Diocese shall be satisfied that the provisions of the xviith section of the Church Temporalities Act have been complied with, or that the means for the worship of God have been provided, that then his lordship shall declare said portion of the parish to be a new parish. In cases where the rector of the existing parish or parishes withholds his or their consent from the preliminary memorial, that he be required to state his reasons in writing, within one month, to the lord Bishop, who is to decide on their validity.—No. 4, Session of 1858, pages 57, 87, 88 and 88\*.

*Seventeenth Section of Church Temporalities Act.*

[**NOTE.**—The Seventeenth Section of the "Church Temporalities Act, to which reference is here made, is as follows:—"In the event of any person or persons, bodies politic or corporate, desiring to erect and found a church or churches, and to endow the same with a sufficiency for the maintenance of such church and of Divine Service therein, according to the rites of the said Church of England and Ireland, it shall and may be lawful for him or them so to do, upon procuring the license of the Bishop, under his hand and seal, for that purpose; and thereupon, after the erection of a suitable church, and the appropriation by the founder thereof of such church so erected, and of lands and hereditaments, or other property, adequate to the maintenance thereof and of an Incumbent, and adequate to the usual and ordinary charges attendant upon such church, such provision being made to the satisfaction of the Bishop, such founder, his heirs and assigns, being members of the said Church of England, or such body politic or corporate, as the case may be, shall have the right of presentation to such church, as an advowson in fee preventative, according to the rules and canons of the said United Church of England and Ireland."]

*Parish Boundaries to be Registered.*

5. That the boundaries of every parish erected under the authority of this Canon, be entered and registered in a book to be kept by the

Secretaries of the Synod for that purpose, and that a copy thereof be furnished to any person applying, on payment of a fee of twenty cents.  
—No. 5, *Ibid.*

### 3.—SECURITY AND PROTECTION OF CHURCH PROPERTY.

(See page 85 of this Compilation.)

#### *Repairs of Church and Premises to devolve on Vestry.*

1. That the “Church Temporalities Act” having placed the church and the churchyard under the immediate care of the parish, acting through its vestry, all repairs and expenses of, and attending the same, necessarily devolve on said vestry.

#### *Erection and Repairs of Parsonage House—When to be borne by Vestry.*

2. That with respect to the parsonage house and buildings, the parish shall bear all expenses of erection and material repairs, including painting inside and out; the parish shall bear all expenses of original erection of parsonage, fences and gates; and shall further be responsible to the Incumbent, on his induction to the parish, for their efficient order and repair at the time of said induction; but it shall then be the duty of the Incumbent to keep them at all times in like efficient order and repair, the standard of such efficient order and repairs as to gates and fences being the municipal rule or law, where such exists, or otherwise the ordinary custom and rule of landlord and tenant.

#### *Incumbent to bear Expenses of Repairs—Appeal.*

3. Should the Incumbent, by wilful negligence, or by any act of commission or omission, suffer the said buildings, gates, or fences, to get out of repair, it shall be the duty of the churchwardens to point out such dilapidations to the Incumbent, and request him to remedy the same; and the Churchwardens may, after three months, and if there be no appeal to the Bishop, employ a suitable mechanic of mechanics to execute the necessary repairs; and the certified expenses thereof they may deduct from any funds in, or passing through, their hands, payable to the Incumbent. But should the Incumbent feel aggrieved by such contemplated action of the Churchwardens, he may appeal to the Bishop, who shall, if he sees fit, appoint a Committee, consisting of the Rural Dean, and one or two, or more neighbouring Clergymen and laymen, to be named by the Bishop, or under his authority by the Archdeacon; which Committee shall enquire into the same, reporting their decision to the Bishop or Archdeacon, as the case may require; and such decision, when approved by the Bishop or Archdeacon, shall be final.

#### *Material Repairs, by whom to be borne—Mortgages.*

4. Should any extensive improvements or repairs become necessary from lapse of time or otherwise, such as new roofing, painting, or

replacing of matters necessary to the stability or safety of the buildings, erection of new fences, or placing the same in efficient repair and order as pointed out in the foregoing section, it shall be the duty of the clergyman to lay a detailed statement of the same, with an approximate estimate of the expense, before the usual Easter meeting of the vestry, having previously given notice of his intention to do so, or before a vestry meeting specially convened for that purpose; and should the members of the vestry sanction the same, the Churchwardens shall forthwith proceed to effect the necessary repairs, providing for the expenses thereof from the funds of the church, by parochial subscriptions, or by any other mode determined by the vestry; provided that in no case shall the property of the church be so encumbered by a debt or mortgage to a greater amount than one-fifth of the value of the property, to be ascertained by competent valuation, nor shall the expense of such improvements or repairs be defrayed from any funds appropriated to or pertaining to the support of the clergyman.

*Churchwardens to have Buildings Insured.*

5. That whereas no proper precaution should be omitted for the preservation of the property of the Church, it shall be the duty of the Churchwardens to keep all the buildings thereof constantly insured in some responsible office.

*Record Book of Titles to be kept.*

6. That a book of record be kept in every church by the wardens, in which shall be entered a sufficient abstract of all titles and deeds by which the lands of the said church, whether site of church, burial ground, glebe, endowment, or whatsoever they may be, are held, showing their date, by whom given, situation, quantity of land, conditions of trust or gift, when and where registered, and any other information necessary to a full understanding of the same; also, if wild or unoccupied land, whether any or what provision is made for payment of taxes, when the taxes have been paid, and what arrears of taxes may from time to time accrue.

*When Taxes shall be paid by Incumbent.*

7. That whereas there is much valuable, though at the time unproductive, land held as endowments for churches or parishes, and much loss has been incurred by the sale of such lands for taxes, it is necessary to define on whom the responsibility of the payment of such taxes should rest. In all cases where wild land or waste lands are held, being unproductive, and the Incumbent deriving no benefit from them, the expense of maintaining such lands should be a charge on the parish or church, for the benefit of which they are given; and in all cases where any benefit or emolument is derived from any such piece or parcel of land by the Incumbent, or on his behalf, then the expenses of taxation should be borne by such Incumbent.

*Parties holding Church Property to send Statement to Churchwardens.*

8. That in accordance with the foregoing, the Church Society, or other parties holding real estate or other property in trust for any particular church or parish, do send a statement of the same to the Churchwardens of such church or parish, to be recorded as herein-before directed.

*Documents and Records to be kept in a Strong Box.*

9. That for the convenient safe-keeping of such record-book, as well as other documents, papers or records, a sufficient strong box, with lock and key, shall be provided by the Churchwardens, and kept in the vestry of said church; and shall be at all times under such ordinary and convenient regulations as may be adopted by the vestry, open to the inspection and for the information of the parish, as well as for any duly authorised officer of the church.

*Duty of Rural Deans and Archdeacons.*

10. That for the purpose of duly enforcing the foregoing regulations, it shall be the duty of the Rural Deans, each in his own Rural Deancry, acting under the authority of the Bishop or Archdeacon, carefully to examine into the same from time to time as he may be required, or have convenient opportunity, and to take such steps, in case of neglect and failure, as may be necessary therein, according to the authority with which he is clothed; also, that the Archdeacon shall, in his visitation, examine into all such matters, either approving of the manner in which such rules and regulations have been carried out, or otherwise if not so done, and in any case of neglect or non-compliance, to take such steps as may seem to him desirable in the premises; making an entry in the record-book of each church, of such examination, and the result thereof.

## 4.—REGISTRATION OF DEEDS OF CHURCH PROPERTY, &amp;c.

(See page 89 of this Compilation.)

[*Note.*—Although the following is not a canon of the Synod, yet the resolutions have binding force as an expression of the will of the Synod, until a canon on the subject is adopted:]

1. That a committee be appointed to take into consideration the best mode of proceeding for the registry and safe custody of all deeds relative to Church property.—Session of 1858, page 146.

[*Note.*—This committee was appointed and presented its report in 1859, and again in 1863, when the following resolution was passed:]

2. That until the proposition of S. B. Harman, Esq., for a regular registration of deeds [be concurred in by the Synod], the Rural Deans should require from the several churchwardens a detailed statement of the church property within their several parishes on the 7th of

April in each year; and the several Deans should report the same to the Archdeacon on the 7th of May in each year, for the information of the Synod.—Session of 1863, page 24.

[*NOTE.*—In 1864, the committee again presented a report, when the following resolution was adopted. Nothing further was done.]

*Principle of Registration adopted by the Synod.*

3. That the report of the committee on registration be received, and that the Synod in receiving the same adopt the principle therein commended, of the necessity of a complete system of church registration; \* \* \* that the Provisional Registration Committee recommended in the report be appointed, with power and authority to place themselves in communication with the rectors, incumbents, and churchwardens of parishes and missions, with the view to the collection of further materials and data on this important subject; and that they are further requested to propose a canon to be submitted to the next session of Synod, to make the proposed system to go into operation.—Session of 1864, page 31.

5.—SALE OF RECTORY LANDS.

(See page 91 of this Compilation.)

(See Act for the Sale of Rectory Lands, Part V., section xiii.)

Whereas, by the permission of the Act of Parliament in that behalf, the assent of the Synod of this Diocese is required to the sale, by the Church Society, of any of the Rectory Lands that come within the said Act.

*Assent of Synod to Sales of Rectory Lands.*

1. Be it enacted, that the Bishop, Clergy, and Laity of this Diocese, in Synod assembled, shall and do hereby assent to any sale or sales of said Rectory Lands that may be made by the Church Society of the Diocese of Toronto, after such sale has been agreed to in writing by the time being of such Rectory, and approved by the Committee of the Synod of this Diocese hereinafter named.

*Standing Committee to act on behalf of Synod.*

2. That a standing Committee of this Synod \* \* \* \* shall be annually appointed by the Synod, to act on behalf of the Synod in giving or refusing assent to any sales of the said Rectory Lands by the said Church Society, and no sale shall be effectual until assent has been given thereto by the Committee, or a majority of the Committee, and every deed of such sale shall be under the seal of the Synod as well as of the Church Society.

*Committee to keep Record and Report to Synod.*

3. The said Committee shall keep a record of all their transactions, and shall report to the Synod.—Session of 1867, pages 65, 66.

[**NOTE.**—In 1870 an amended Constitution of the Synod was passed, which provides, in section 26, for a Standing Committee on Rectory Lands, and two other matters. That part of the section relating to Rectory Lands provided]

*Synod Committee may dispose of Rectory Lands.*

4. That the Committee shall have authority to dispose of the Rectory Lands of the Diocese, and to take charge of and administer the proceeds arising from sales of the same, in accordance with the special by-law of the late Church Society governing the administration of such funds, or in accordance with any by-laws adopted, or that may be adopted subsequently by the Synod.—Session of 1870, page 94.

#### 6.—PATRONAGE OF THE RECTORIES, &c.

(See page 94 of this Compilation.)

The Incorporated Synod of the Diocese of Toronto enacts as follows :

That on the vacancy of any rectory, incumbency or mission within the Diocese (with the exception of missions sustained, in whole or in part, by the Mission Board, the mode of appointment to which missions shall continue as heretofore) the appointment to the vacancy shall rest in the lord Bishop of the Diocese; it being, however, provided that, before making such appointment, the Bishop shall consult with the Churchwardens of the said parish or mission, and with the lay representatives of the same, provided that such lay representatives are resident within the said parish or mission.—Session of 1871, page 57.

#### 7.—CLERGY COMMUTATION TRUST COMMITTEE AND ITS DUTIES.

(See page 115 of this Compilation.)

The Clergy Commutation Trust Committee of the Synod for the management of the Clergy Commutation Trust Fund of the Diocese, shall consist of sixteen members, one half of whom shall be Clergy-men of the Diocese who are on the Commutation Funds, and the other half shall be nominated from among the Lay Representatives. The said Committee shall manage all real estate or personal securities held by the “Clergy Commutation Trust Committee” of the late Church Society of the Diocese, and all the proceeds accruing from the same, and shall administer the same as a distinct fund, separate and distinct from all the other funds of the Diocese, and shall invest and take up and re-invest in Government Securities, City, County, or Township Municipal Debentures, all moneys coming into their hands for re-investment, and all surplus interest and dividends. They shall report to the Synod at its annual meeting a full and detailed statement of all investments and changes in investments, and of all moneys received and paid on account of the fund during the previous year. They shall further report the actual state and condition of the fund, at the time of their last quarterly meeting, shewing the nature of the

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different securities belonging to the fund, and the incomes which they severally yield, and what arrears of interest may be due on any of the said securities, and the particular securities on which such interest may be over-due. The proceeds of the said fund shall be administered in accordance with the provisions of the By-laws of the late Church Society of the Diocese of Toronto relating to the same, as they existed at the time of the Incorporation of the said Church Society with the Synod, or in accordance with any By-laws adopted subsequently by the Synod. In case the surplus should at any time become insufficient to pay the amount of \$400 to each non-commuting Clergyman placed on the list of annuitants on the said fund in accordance with the By-law of the late Church Society, then a proportionate reduction shall be made from the annuities payable to all such non-commuting Clergymen.—Constitution of 1870, Section 26.

[NOTE.—A by-law was passed in 1872, providing for the modification of the first part of the foregoing section of the Constitution, as follows: "Whereas a By-law, embodied in the Constitution, passed in 1870, enacted that the clerical members of the Commutation Trust Committee should be selected from the number of those clergymen who created said fund; and whereas, it is desirable to extend the number of clergymen from whom such selection may be made: be it enacted that such selection may be made from those who shall from time to time be placed on said fund, and also from the twenty clergymen whose names appear as the senior on the list of non-commuted clergymen who will be benefitted by the fund, when the surplus permits." Should this By-law be confirmed in 1873 it will come into force in that year. The following was passed in 1864:]

1. That so much of the By-law of the Mission Board of 1860, as enacted that the Mission Fund do consist of the annual surplus of the Commutation Fund, be repealed, and that the Commutation Fund shall be managed and administered as heretofore by the Clergy Trust Committee.—Session of 1864, pages 20 and 29.

#### *How Surplus shall be applied.*

2. That before there shall be any surplus declared by the Clergy Trust Committee, there shall be always held by said Trust Committee the sum of one thousand dollars (\$1,000), arising out of annual permanent income, over and above the amount required to fulfil the covenants into which the Society has already entered, and the expenses chargeable upon the fund.—*Ibid.*

[NOTE.—In 1872, the following By-law was passed by the Synod. Should it be confirmed in 1873, it will modify the preceding paragraph: "Whereas by the Commutation Trust By-law it is enacted, that no additional names should be placed on the list of recipients of that Fund until \$1,000 should arise out of the permanent annual income; and whereas the necessity for the same no longer exists: Be it enacted, That whenever there is a surplus arising out of annual permanent income, after paying the stipends of those already on the fund, the next senior clergyman on the non-commuted list may be placed on said fund; and that the clause in the Commutation By law requiring a surplusage of \$1,000 before the benefits of the Fund are extended to others, be repealed: "Provided always, that should any deficiency occur, so

that all the clergy on the list cannot be paid, the commuting clergymen be paid first, then the next senior, so that if any clergymen is to be unpaid, it shall be the junior on the list.

3. That said surplus shall be appropriated to the maintenance of the Clergy of the Diocese being in priests orders, according to length of service in the Diocese.—*Ibid.*

*What constitutes Service.*

4. That such service shall consist of the time during which the clergymen has been employed in *bona fide* parochial or missionary duty in the Diocese, and that in case there has been any intermission in the time of such service, the length of such intermission shall be deducted from the term of service from which the clergymen claims.—*Ibid.*

*Who shall be Senior Claimant.*

5. That when two or more persons are ordained in the Diocese, and their services commence at the same time, he shall be considered senior who is first upon the Bishop's ordination list. But when they have been ordained out of the Diocese, their seniority shall be determined by the date of their licenses from the Bishop of the Diocese, being in priest's orders. And if there shall be any question of seniority not provided for in this By-law, it shall be decided by the Bishop of the Diocese.—*Ibid.*

*When Surplus shall be Available.*

6. That as soon as the Trust Committee shall report a surplus of \$400, as above provided, it shall be paid to the senior clergymen of the Diocese (as above defined) not being on the commutation list, and so on in respect of each successive sum of \$400 of surplus income. And it is hereby distinctly specified that this provision shall not interfere with any existing arrangement. No clergymen shall receive from this fund more than \$400 per annum.

*Clergymen on List to remain there.*

7. That any clergymen once placed on the list shall remain thereon so long as he continues to do duty in the Diocese, or is on the superannuated list thereof, but shall forfeit his claim by removing from it, not being superannuated, or for any time he may be under legal ecclesiastical censure.—*Ibid.*

*Holders of Endowed Livings.*

8. No clergymen accepting after this date an endowed living yielding \$400 per annum, or holding the incumbency of a church yielding, from pew rents or otherwise, \$800 per annum, shall be placed upon the list of annuitants as aforesaid; and any annuitant accepting such living shall resign his income from the Commutation Fund, and by such acceptance shall be regarded as having forfeited his present claim

upon such fund. Nevertheless it shall be lawful for him, upon resigning such living or incumbency, to be again placed on the list of annuitants as soon as a vacancy shall arise. And nothing in this by-law shall be construed so as to prevent an exchange being made between the incumbent of such endowed living and an annuitant of this fund, provided such change has the sanction of the Bishop.—*Ibid.*

*List of Non-commuting Clergy.*

9. That as soon as a surplus arises in the Commutation Fund, it shall be the duty of the Commutation Trust Committee to request the lord Bishop to furnish said committee with a list of those clergy-men who are entitled to claim under this by-law.—*Ibid.*

8.—CONSTITUTION AND DUTY OF THE MISSION BOARD.

(See page 127 of this Compilation.)

“The Mission Board shall consist of the two Archdeacons, eleven Clergymen, and eleven Laymen, members of the Synod, one at least of each order from each Rural Deanery of the Diocese. A fund shall be established, to be called the Mission Fund, which shall consist of all special collections made from time to time in the churches and chapels of the Diocese, in aid of the same, of the interest of all legacies, of all donations and subscriptions, and of all collections for missionary purposes ; and the fund so created and established shall be administered by the Mission Board, in accordance with the By-laws of the late Church Society relating to the same, as they existed at the time of the incorporation of the said Society with the Synod, or in accordance with any By-laws that may at any future time be adopted by the Synod. It shall be the duty of every incumbent of a Parish or Mission in the Diocese to hold annually, in every church, chapel, or place of worship in his Parish or Mission, a Missionary Meeting in aid of the Mission Fund of the Diocese, and to cause collections to be made for the same object, and to remit the same to the Secretary-Treasurer of the Synod, not later than the last day of April in each and every year.”—Constitution of 1870, Section 27.

*Missionary Stipends raised to \$600 and \$800.*

2. That it be a recommendation from this Synod to its Mission Board that the salaries of its missionaries, paid in whole or in part by the Board, be, for those in priest's orders, \$800 per annum, and for those in deacon's orders \$600 per annum ; and that this Synod pledges the Diocese to support this scheme.

*Principles and Objects of the Mission Work.*

3. In order to carry out more effectually the mission work of the Diocese, it is desirable that the by-laws for the expenditure of the moneys of the Mission Fund should be repealed ; and that in framing new ones, the following principles and objects should, as far as possible, be kept in view :

(1.) To apply the Mission Fund so as to elicit the greatest amount of local effort, and to render each Mission, so soon as practicable, self-supporting.

(2.) To grant each Mission just so much aid as it requires; taking up each case on its own merits.

(3.) To raise the present scale of pecuniary remuneration to our Missionaries.

(4.) To render the payment of stipends to missionaries as certain and as regular as possible, without wholly destroying that wholesome degree of stimulus, necessarily implied in the voluntary system.

(5.) To relieve the Missionary from the unpleasant, invidious, and derogatory task of pleading, before his people, for his own individual remuneration: and yet make it his duty and interest to urge the claims of the Mission Fund on them.

(6.) With a view to securing the last-mentioned result, that the stipends of our Missionaries be paid *wholly* through the Secretary-Treasurer of the Synod; and, by consequence, the contributions of the people be sent in to that official.

*Ruri-decanal Committee on Missions.*

4. To carry out the above plans and objects, there shall be elected annually, at the time of the election of the other officers of the Synod, by the members of the Synod, for each Rural Deanery, two Clergymen and two laymen being communicants and living in the Rural Deanery for which they shall be elected, who, with the Archdeacon and the Rural Dean of that locality, shall constitute a *Committee on Missions for that Rural Deanery*: and a quorum of said Committee shall consist of the Archdeacon, or Rural Dean, and any two elected members.

*Ruri-decanal Committee to visit Mission.*

5. Before a grant be made by the Mission Board in aid of any Mission, it shall be the duty of said Committee to visit such Mission in order to confer with the several congregations thereof, for the purposes of ascertaining their resources and liabilities, and arranging with them as to the amounts which they might fairly be expected to raise towards the stipend of their Missionary; and said Committee shall report to the lord Bishop, within one week of their visit, the result of their enquiries, the arrangements which they have made with the several congregations, and the action they would recommend.

*Ruri-decanal Report and Action of the Bishop.*

6. This report, with such remarks thereon as the lord Bishop may deem fit, shall be laid before the Mission Board at its next ensuing meeting, when the Board shall decide as to the amount which they are able and willing to grant toward the support of a Missionary in said Mission, which decision shall regulate the amount to be given to such Mission from the funds at the disposal of the Board, from the date of the appointment of the Missionary of said Mission.

### *Failure to make up quota—Remedy.*

7. In case the several congregations of any Mission fail to make up their quota of a Missionary's stipend required by the Mission Board, in conformity with the following scale, viz.: \$800 as the stipend of a Missionary in Priest's orders, and \$600 for those in Deacon's orders, then the said Committee on Missions for the Rural Deanery shall re-visit the several congregations of said Mission, and endeavour to induce the people to raise the proportion payable by them towards the stipend of their Missionary to the amount required, and report within one week of the time of their visit, to the lord Bishop, the result of their labours; which report the lord Bishop shall transmit to the Mission Board, with his recommendations thereon, at its next ensuing meeting.

### *When Agreement may be entered into.*

8. That whenever the Mission Board and the several congregations of any Mission have agreed as to the amounts which they shall severally contribute towards the stipend of their Missionary (which stipend shall never be *lower* than that recommended by the Synod of 1870,\* then it shall be the duty of the Secretary-Treasurer of the Synod to enter into a written agreement in duplicate, with two or more members of such Mission, approved by the Mission Board, according to the accompanying form :

The services referred to in the above paragraph shall be

and in consideration of the regular and punctual payment of the above-mentioned sum, the Board of Missions aforesaid hereby undertake to maintain such ministrations of the Church, in the place and at the time mentioned above, so long as the said sum shall be paid.

The present agreement is for the term of three years counting from the

Signed in Duplicate.

*Stipends to be payable quarterly.*

9. These agreements having been thus entered into, it shall be the duty of the Secretary-Treasurer of the Synod to pay *quarterly* the stipends of the Missionaries, out of the general Mission Funds of the Diocese, according to a list furnished him by the lord Bishop, but subject to regulations contained in the subsequent clauses of this By-law.

\* In 1873, this section was modified as follows, and (if approved in 1873) will supersede this part of the section: "That the [21st] section of the By-Law adopted at the last session of the Synod, for the expenditure of the Mission Fund, be amended by adding after the words, 'the Synod of 1870,' (in the fourth line of said section) the following clause: 'Except that a less stipend shall be accepted by the lord Bishop of the Diocese and three-fourths of the members of the Mission Board present at any quarterly meeting thereof.'"—Session of 1873, page 87.

*Engagements to extend over Three Years.*

10. Every engagement between the Board of Missions and the congregations of any Mission, shall be binding upon both parties for three years, unless otherwise agreed upon; but it is expressly understood, that every such engagement shall be liable to revocation or modification at the end of each three years; or on a change of the Missionary in charge; or whenever two-thirds of the members of the Board present at any meeting of the same, see sufficient reason to alter their estimate of the pecuniary ability of the Mission; notice of such proposed modification or revocation must be given at one meeting of the Board, and discussed and disposed of at the next.

*Notice in case of Failure to Remit.*

11. Whenever any Mission shall fail to remit the amount agreed to be paid into the Mission Fund, by the several congregations of said Mission, or any part thereof, then three months after the sum shall have fallen due (the amount still remaining unpaid) it shall be the duty of the Secretary-Treasurer of the Synod meanwhile to suspend payment to the Missionary of his stipend; to report the said failure to the lord Bishop, who shall order the Secretary-Treasurer to transmit to the Missionary, and also to the Churchwardens of the congregations in arrear, a copy of the following notice:

*To the Churchwardens and Members of the Congregation of*

I have been directed by the Mission Board to notify you that the contribution due from you to the Mission Board of the Diocese, not having been paid on                    day of                   , the services of your Missionary will, after Sunday next (or from this day) be suspended by order of the Bishop, in accordance with a standing rule of the Synod to that effect, until the payment as agreed upon is duly made.

This may seem to be a severe measure; but the Board of Missions have been unable to devise any other just and practicable course which might bring home to all parties the gravity of the occasion, and the imperative necessity of prompt and decisive action in the matter.

I am, Gentlemen,  
Your obedient servant,

*Secretary-Treasurer.*

This notice shall be read to the congregation in arrears, on the two Sundays on which service is held, next after the receipt thereof.

*Failure of Stipend—Duty of Missionary*

12. That it shall be the duty of the Missionary, whose services have been thus suspended, to report that fact, within one week, to the lord Bishop of the Diocese.

13. That when thus notified, the lord Bishop shall direct the Committee on Missions for the Rural Deanery to ascertain, as soon as practicable, the reason of said failure.

14. It shall be the duty of the Missionary in charge of the defaulting congregation, and the Churchwardens thereof, to appear before

this Committee on Missions, when notified by the Chairman thereof of the time and place of their meeting, which place shall be in the Mission.

*Committee on Missions to examine and report.*

15. That a full written report of all the evidence taken by the Committee, with their opinion on the merits of the case, shall be forwarded to the lord Bishop within one week after the completion of their enquiry, by the Archdeacon or Rural Dean presiding, and authenticated by his signature. and, on receiving this Report, the lord Bishop shall forthwith forward it to the Mission Board, with any remarks appended thereto that he may deem proper.

*Missionary to be sustained—When.*

16. That, when the congregation are found in fault, and they can show no just cause for complaint against their Missionary, and they still continue in arrears, then their Missionary, if he desires it, shall be sustained in his position, at the discretion of the lord Bishop.

*Remedy in case Arrears continue.*

17. That in case the congregation shall continue in arrears in regard to their engagement, after having been reported in fault, and shall still refuse or neglect to pay up such arrears, then the lord Bishop shall direct the Secretary-Treasurer of the Synod to pay to such Missionary so much from the Mission Fund of the Diocese, as will enable him to remain on the spot for a period not exceeding three months, at the discretion of the lord Bishop; or as will enable him to remove to some other Mission in the Diocese to which he may be appointed; and it shall not be lawful for the Secretary-Treasurer to pay any moneys to a new Missionary in said Mission until all arrears shall have been paid to the Secretary-Treasurer of the Synod by said Mission, as due to their late Missionary for services performed; and also until they shall have paid to the Secretary-Treasurer sufficient to repay the Mission Fund the money advanced to their Missionary, to bear the expenses of his removal. In every such case the Mission Board may aid in sustaining another Clergyman to serve the Mission, at such time and on such conditions as the lord Bishop shall deem right.

*Who shall not serve on Committee, and when—Expenses.*

18. No Clergyman or layman shall serve on the Committee on Missions when his own Mission forms the subject of enquiry; but the Missionary in charge shall have the right of objecting to any elected member of the Committee on showing cause for so doing to the satisfaction of the lord Bishop, who shall then appoint another in the room of the one objected to as far as this case is concerned.

19. That the actual necessary expenses of the Committee on Missions in each Rural Deanery, incurred in carrying out the provisions of this By-law, be paid by the Secretary-Treasurer out of the general

Mission Fund of the Diocese to the Chairman of the Committee, who shall pay the expenses of the several members of the said Committee.

20. That the By-laws of the late Church Society for the management of the funds of the Mission Board, are hereby repealed.—Session of 1871, pages 43-48.

*Annual Missionary Meeting during Synod.*

That a Diocesan Missionary Meeting shall constitute a part of the annual proceedings of the Synod.—Session of 1870, page 78.

[NOTE.—A resolution to the same effect was, on motion of Professor Wilson passed at the Provincial Synod in 1871.]

9.—CHRISTMAS OFFERTORY FOR THE INCUMBENT.

(See page 125 of this Compilation.)

[NOTE.—In 1860 and 1867 the following resolutions were passed:]

1. That the offertory of the respective congregations of the Church throughout the Diocese, on Christmas day every year, shall be devoted to the sole use of the Incumbent of the Church in which the offertory is made.—Session of 1860, page 181.

2. That the expense of printing and forwarding the usual annual pastoral letter of the Bishop, respecting the Christmas offering, together with all similar papers, shall be borne by the Synod, instead of being made a charge on the clergy.—Session of 1867, page 67.

10.—INDIAN CHURCH MISSIONS.

(See page 139 of this Compilation.)

The Indian Missions Committee shall consist of four Clerical and four Lay Representatives, who shall have charge of the Missions to the Indians, and shall manage and administer all moneys collected for, and all funds belonging to such Missions, upon the same trusts on which they were held by the late Church Society at the time of its incorporation with the Synod, or in accordance with any By-laws which may hereafter be adopted by the Synod.—Section 28 of Constitution adopted at Session of 1870, page 60.

11.—ENDOWMENT OF THE SEE OF TORONTO.\*

(See page 145 of this Compilation.)

That the committee on the Episcopal Endowment Fund be instructed to invest the moneys collected for that Fund in provincial or county debentures, and that investments be regularly made whenever the sum in hand amounts to \$2,000, or oftener, if advisable.—Session of 1864, pages 30, 31.

\* The present Diocese of Toronto includes the cities of Toronto and Hamilton, the counties of Lincoln, Welland, Haldimand, Wentworth, Wellington, Halton, Peel, York, Simcoe, Ontario, Durham, Victoria, Peterboro' and Northumberland, embracing 143 townships, together with the District of Algoma. In 1861, the Church of England population in the Diocese numbered 187,654. It is now doubtless upwards of 180,000.

[**Note.**—In 1865, a report on the state of the endowment was laid before the Synod (pp. 21-25). A by-law presented for adoption, founded on the report (pp. 32, 33) was referred to a special committee. Subsequently the following resolutions were adopted:]

4. That the future income of the Episcopate in the Diocese of Toronto, from whatever source derivable, shall not at any time exceed \$4,000 per annum, unless arising from donations specially given for the See of this Diocese hereafter.

5. Should any surplus at any time arise from increased value of land or other securities, or from any other source, such surplus shall be appropriated to the increase of the Episcopal office.

6. Should any See House at any time be provided by the Diocese, the benefit of such house shall not be included in the above-named income.

~~7. At any time it may become desirable to divide the Diocese of Toronto into two or more parts, and such division shall be sanctioned by the Synod, each part so set off and intended to form a separate Diocese, shall be entitled to such part of the Episcopal Endowment Fund as was raised within its own bounds.~~

8. That such division of the Fund shall not take place until a sufficient sum is funded in the Diocese of Toronto, to make up the sum of (\$4,000) four thousand dollars per annum.

#### 12.—SUBDIVISION OF THE DIOCESE OF TORONTO.\*

(See page 148 of this Compilation.)

1. In the event of a subdivision of the Diocese, the portion intended to form the new Diocese shall be bound in all their public proceedings by the Constitution of the Diocese of which they formed a part, until the said new Diocese shall be fully organized by the election and consecration of the Bishop.—Session of 1857, pages 17 and 36; of 1860, page 151, and of 1870, page 110.

2. At any time it may become desirable to divide the Diocese of Toronto into two or more parts, and such subdivisions shall be sanctioned by the Synod, each part so set off and intended to form a separate Diocese shall be entitled to such part of the Episcopal Endowment Fund as was raised within its own bounds.—Session of 1865, page 38.

#### 13.—ELECTION OF A BISHOP.

(See page 148 of this Compilation.)

1. On a vacancy in the See, the Dean, or the senior Archdeacon, or in his absence the Archdeacon next in order of seniority, or in the absence of an Archdeacon, the senior Rural Dean shall, within one

\* In 1872 the following resolution was passed by the Synod: "That in the opinion of the Synod, the present Diocese of Toronto is too extensive for the supervision of one Bishop."—Session of 1872, page 44.

week from the occurrence of such vacancy, summon a meeting of the Clergy and Lay Representatives, to be held at the expiration of twenty days from the date at which such meeting shall be summoned, to elect a successor in the See.

2. In the election of a Bishop to a vacant See, or to a new See, the Clergy and Laity shall vote separately by ballot, the Clergy by individuals, and the Laity by parishes.\* A majority of votes in each order shall determine the choice, provided that two-thirds of the Clergy entitled to vote are present and vote, and that two-thirds of the parishes entitled to vote be represented and vote; otherwise two-thirds of the votes of each order shall be necessary to determine the choice.

3. Any Clergyman elected to be a Bishop, and holding at the time of such election any preferment or benefice, shall resign such preferment or benefice prior to his consecration.—Session of 1870, page 99.

#### 14.—ELECTION OF A SUFFRAGAN OR COADJUTOR BISHOP.

(See page 152 of this Compilation.)

Whenever the Bishop of the Diocese shall, by writing under his hand, signify to the Synod of the Diocese, through the Executive Committee thereof, that he is desirous of having a Suffragan and Coadjutor Bishop nominated by the Synod, if such signification be in time before the annual meeting of the Synod to give the usual notice thereof according to the rules of the Synod, the said Executive Committee shall give notice thereof; and that such election shall be proceeded with at the next meeting of the Synod, immediately after the reading of the minutes of the last Synod, and before any of the business is proceeded with; and such election shall be proceeded with accordingly, under the same canons and in the same manner as in the case of the election of a Bishop of the Diocese; except that the Bishop of the Diocese, if present, shall preside at such election; and, if not present, the Synod shall be presided over as in the case of the election of a Bishop on a vacancy occurring in the See.

2. If such signification is made as in the first section mentioned, at such time as in the opinion of the Bishop renders it desirable that a special meeting of the Synod shall be held for such election as aforesaid, the Bishop of the Diocese shall call such special session for such election, and the Executive Committee shall forthwith give

\* In 1865, the following resolution was passed by the Synod, but its confirmation was negatived by the Synod in 1866: \* \* \* "But if the result of such ballot shall shew a majority of votes in favour of placing the nomination in the hands of the Archbishop and Bishops of the United Church of England and Ireland, or any one or more of them, then, on such nomination taking place, it shall be final, and the person so nominated shall be considered elected. In the event, however, of the election of a Coadjutor or Suffragan Bishop, such power shall not be exercised except by permission of the Bishop, given either at the commencement or during the proceedings.—Session of 1866, page 43, and Session of 1866, page 48.

notice of such special session, and shall take charge of and conduct the proceedings at such election at the special session so called as aforesaid.

3. The Suffragan and Coadjutor Bishop so elected shall become and be the Bishop of the Diocese whenever any vacancy occurs in See, without any further election.

4. Before the election of any such Suffragan and Coadjutor Bishop is proceeded with, the Synod shall resolve that the election of a Suffragan and Coadjutor Bishop is necessary.

5. When a Suffragan and Coadjutor Bishop is elected and consecrated he shall have the same powers, privileges, and authorities as the Bishop of the Diocese, but shall exercise them in subordination to the Bishop of the Diocese.—Session of 1865, pages 40-50, and Session of 1866, page 44.

6. That the lord Bishop be respectfully requested to provide a form of prayer, to be used in all the congregations of the Diocese, for the Divine direction and guidance in the choice of a clergyman to fill the office of Coadjutor Bishop.—Session of 1866, page 64.

#### 15.—BISHOP'S COURT FOR THE TRIAL OF OFFENCES.

(See page 152 of this Compilation.)

[NOTE.—In 1859, a Committee of the Synod reported, among other things, that they find, that by virtue of the Royal Prerogative, exercised in granting the letters patent to the lord Bishop of Toronto, his successor, (which they are advised has full legal force in this matter,) the Bishop of Toronto received authority to exercise jurisdiction within his Diocese over all persons in Holy Orders of the Church of England; to call them to account for offences concerning their morals or their behavior in their office or station, and to remove, deprive, or suspend them, or inflict on them any other such ecclesiastical censure or correction as they may be liable to, according to the canons and laws ecclesiastical of that Church.

2. That they are advised that it is extremely difficult to decide what portion of the ecclesiastical laws of England is or is not in force in this Colony; but it may be stated that the canons of 1603 are at present in force in regard to the Clergy; but not in regard to the Laity, except so far as they may embody \* \* \* or contain ancient canons having the common law; and that the powers recited in the foregoing clauses are confined to the exercise of jurisdiction over the Clergy only. This being the state of things before the passing of the Synod Act, by that Act the Synod is empowered to make regulations for enforcing discipline in the Church. \* \* \* And the Committee is advised that the Synod by this Act is empowered to make any alterations in the canons previously in force in regard to the Clergy, for carrying out the powers above recited; and with the same ends to

make new canons applicable to both Clergy and Laity \* \* \* and that its canons, so far as legally adopted, will be recognized and supported by the civil courts. \* \* \* \* \*

*Court to be erected.—English Discipline Act adopted.*

3. They therefore recommend that the Bishop be requested at an early day to erect his own Court under his Patent; and that as the exercise of discipline may be required in regard to the Laity as well as the Clergy, the Synod should formally recognize the Bishop's Court as that which should exercise jurisdiction over both Clergy and Laity; and as it is requisite that the Bishop's Court should have some rules to govern it, (and it is doubtful whether the English Statutes on that subject are in force in this country) they further recommend that the English Church Discipline Act, 3 and 4 Vict, ch. 87, so far as its provisions are applicable to the circumstances of this country, should be adopted for the guidance of the Court in reference to the Clergy.—Session of 1859, pages 30-32.

[*Note.*—In accordance with the recommendations in this Report the Synod adopted the following resolutions :]

4. That the Bishop be requested to erect his Court, under the authority conferred by his Patent, at an early day.—Session of 1859, pages 32 and 90.

5. That the Synod declares the Bishop's Court to be the Court for the trial of all offences of the Laity as well as of the Clergy, against the provisions of the Act constituting the Synod, or against any of the rules, regulations or canons passed by the Synod.—*Ibid.*

6. That the Synod adopt the Imperial Statute 3 and 4 Vic., sec. 87, commonly called the Church Discipline Act, with the exception of the 24th section of that Act [see section 8 below], as the rule for guidance in the administration of the Bishop's Court in reference to the Clergy, so far as the same may be applicable to the circumstances of this Diocese.—*Ibid.*

[*Note.*—In 1860 the following resolution was passed :]

7. That the canon for the erection of the Bishop's Court, and the introduction of the Church Discipline Act, as adopted at the last meeting of the Synod, be confirmed.—Session of 1860, page 78.

[*Note.*—In 1861 the canon on this subject was amended as follows :]

8. That so much of the canon of Synod, introducing the English Church Discipline Act, as relates to the 24th section of that Act, be repealed, and that the Bishop of the Diocese shall exercise all the powers conferred by this Act, notwithstanding that he may be the patron of any preferment which may be affected by any proceedings taken under this Act.—Session of 1861, page 278.

## 16.—ENGLISH ACT FOR BETTER ENFORCING CHURCH DISCIPLINE.

Assented to 7th August, 1840.

*Repeal of 1 Henry VII., chap. 4.*

Whereas the manner of proceeding in Causes for the Correction of Clerks requires Amendment: be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That an act passed in the first year of the reign of King *Henry* the Seventh, intituled *An Act for Bishops to punish Priests and other Religious Men for Dishonest Lives*, shall be repealed.

*Definition of the Terms, "Preferment," "Bishop," "Archbishop and Diocese."*

II. And be it enacted, That, unless it shall otherwise appear from the context, the term "Preferment," when used in this Act, shall be construed to comprehend every Deanery, Archdeaconry, Prebend, Canony, Office of Minor Canon, Priest, Vicar, or Vicar Choral in Holy Orders, and every Precentorship, Treasurership, Sub-Deanery, Chancellorship of the Church, and other Dignity and Office in any Cathedral or Collegiate Church, and every Mastership, Wardenship, and Fellowship in any Collegiate Church, and all Benefices with Cure of Souls, comprehending therein all Parishes, Perpetual Curacies, Donatives, endowed Public Chapels, Parochial Chapelties, and Chapelries or Districts, belonging to or reputed to belong, or annexed or reputed to be annexed, to any Church or Chapel, and every Curacy, Lectureship, Readership, Chaplaincy, Office or Place which requires the Discharge of any Spiritual Duty, and whether the same be or be not within any exempt or peculiar Jurisdiction; and the word "Bishop" when used in this Act, shall be construed to comprehend "Archbishop;" and the word "Diocese," when used in this Act, shall be construed to comprehend all places to which the jurisdiction of any Bishop extends under and for the purposes of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*.

*Bishop may issue a Commission of Enquiry—Notice to be previously given.*

III. And be it enacted, That in every case of any Clerk in Holy Orders of the United Church of England and Ireland who may be charged with any offence against the Laws Ecclesiastical, or concerning whom there may exist scandal, or evil report as having offended against the said laws, it shall be lawful for the Bishop of the Diocese

within which the offence is alleged or reported to have been committed, on the application of any party complaining thereof, or if he shall think fit of his own mere motion, to issue a Commission under his hand and seal to five persons, of whom one shall be his Vicar-General, or an Archdeacon or Rural Dean within the Diocese, for the purpose of making enquiry as to the grounds of such charge or report: Provided always, that notice of the intention to issue such Commission under the hand of the Bishop, containing an intimation of the nature of the offence, together with the names, addition, and residence of the party on whose application or motion such Commission shall be about to issue, shall be sent by the Bishop to the party accused fourteen days at least before such Commission shall issue.

*Proceedings of the Commissioners.*

IV. And be it enacted, That it shall be lawful for the said Commissioners or any three of them to examine upon oath, or upon solemn affirmation in cases where an affirmation or declaration is allowed by Law instead of an oath, which oath or affirmation or declaration respectively shall be administered by them to all witnesses who shall be tendered to them for examination, as well by any party alleging the truth of the charge or report as by the party accused, and to all witnesses whom they may deem it necessary to summon for the purpose of fully prosecuting the inquiry, and ascertaining whether there be sufficient *prima facie* ground for instituting further proceedings; and notice of the time, when, and place where every such meeting of the Commissioners shall be holden shall be given in writing, under the hand of one of the said Commissioners, to the party accused, seven days at least before the meeting; and it shall be lawful for the party accused, or his agent, to attend the proceedings of the Commission, and to examine any of the witnesses; and all such preliminary proceedings shall be public, unless, on the special application of the party accused, the Commissioners shall direct that the same or any part thereof shall be private; and when such preliminary proceedings, whether public or private, shall have been closed, one of the said Commissioners shall, after due consideration of the depositions taken before them, openly and publicly declare the opinion of the majority of the Commissioners present at such inquiry, whether there be or be not sufficient *prima facie* ground for instituting further proceedings.

*Report of the Commissioners.*

V. And be it enacted, That the said Commissioners, or any three of them, shall transmit to the Bishop under their hands and seals the depositions of witnesses taken before them, and also a report of the opinion of the majority of the Commissioners present at such inquiry whether or not there be sufficient *prima facie* ground for instituting proceedings against the party accused; and such report shall be filed in the Registry of the Diocese; and that if the party accused shall

hold any preferment in any other Diocese or Dioceses, the Bishop to whom the report shall be made shall transmit a copy thereof, and of the depositions, to the Bishop or Bishops of such other Diocese or Dioceses, and shall also, upon the application of the party accused, cause to be delivered to such party a copy of the said report and of the depositions, on payment of a reasonable sum for the same, not exceeding two-pence for each folio of ninety words.

*Bishop may pronounce Sentence, by consent, without further Proceedings.*

VI. And be it enacted, That in all cases where proceedings shall have been commenced under this Act against any such Clerk, it shall be lawful for the Bishop of any Diocese within which such Clerk may hold any preferment, with the consent of such Clerk and of the party complaining, if any, first obtained in writing, to pronounce, without any further proceedings, such sentence as the said Bishop shall think fit, not exceeding the sentence which might be pronounced in due course of law; and all such sentences shall be good and effectual in law as if pronounced after a hearing according to the provisions of this Act, and may be enforced by the like means.

*Articles and Depositions to be Filed.*

VII. And be it enacted, that if the Commissioners shall report that there is sufficient *prima facie* ground for instituting proceedings, and if the Bishop of any Diocese within which the party accused may hold any preferment, or the party complaining, shall thereupon think fit to proceed against the party accused, articles shall be drawn up, and, when approved and signed by an Advocate practising in Doctors Commons, shall, together with a copy of the depositions taken by the Commissioners, be filed in the Registry of the Diocese of such last-mentioned Bishop; and any such party, or any person on his behalf, shall be entitled to inspect without fee such copies, and to require and have, on demand, from the Registrar (who is hereby required to deliver the same), copies of such depositions, on payment of a reasonable sum for the same, not exceeding two-pence for each folio of ninety words.

*Service of Copy of the Articles on the Party.*

VIII. And be it enacted, That a copy of the articles so filed shall be forthwith served upon the party accused, by personally delivering the same to him, or by leaving the same at the residence house belonging to any preferment holden by him, or if there be no such house, then at his usual or last known place of residence; and it shall not be lawful to proceed upon any such articles until after the expiration of fourteen days after the day on which such copy shall have been so served.

*Bishop may require the Party to appear before him, and may pronounce Judgment on Admission.*

IX. And be it enacted, That it shall be lawful for the said last mentioned Bishop, by writing under his hand, to require the party to appear, either in person or by his agent duly appointed, as to the said party may seem fit, before him at any place within the Diocese, and at any time after the expiration of the said fourteen days, and to make answer to the said articles within such time as to the Bishop may seem reasonable; and if the party shall appear, and by his answer admit the truth of the articles, the Bishop, or his Commissary specially appointed for that purpose, shall forthwith proceed to pronounce sentence thereupon according to the Ecclesiastical Law.

*How Notice and Requisition to be served.*

X. And be it further enacted, That every notice and requisition to be given or made in pursuance of this Act, shall be served on the party to whom the same ~~respectfully~~ relate in the same manner as is hereby directed with respect to the service of a copy of the articles on the person accused.

*Proceedings on a Hearing before the Bishop.*

XI. And be it enacted, That if the party accused shall refuse or neglect to appear and make any answer to the said articles other than an unqualified admission of the truth thereof, the Bishop shall proceed to hear the cause, with the assistance of three Assessors, to be nominated by the Bishop, one of whom shall be an Advocate who shall have practised not less than five years in the Court of the Archbishop of the Province, or a Sergeant-at-Law, or a Barrister of not less than seven years' standing, and another shall be the Dean of his Cathedral Church, or of one of his Cathedral Churches, or one of his Archdeacons, or his Chancellor; and upon the hearing of such cause the Bishop shall determine the same, and pronounce sentence thereupon according to the Ecclesiastical Law.

*Sentence of Bishop to be effectual in Law.*

XII. And be it enacted, That all sentences which shall be pronounced by any Bishop or his Commissary in pursuance of this Act, shall be good and effectual in law, and such sentences may be enforced by the like means as a sentence pronounced by an Ecclesiastical Court of competent jurisdiction.

*Bishop may send the Cause to the Court of Appeal of the Province, and Judge of the Court may make Orders for expediting such Suits.*

XIII. Provided always, and be it enacted, That it shall be lawful for the Bishop of any Diocese within which the offence is alleged to have been committed, in any case, if he shall think fit, either in the

first instance or after the Commissioners shall have reported that there is sufficient *prima facie* ground for instituting proceedings, and before the filing of the articles, but not afterwards, to send the case by letters of request to the Court of Appeal of the Province, to be there heard and determined according to the law and practice of such Court: Provided always, that the Judge of the said Court may and is hereby authorised and empowered from time to time, to make any order or orders of Court for the purpose of expediting such suits, or otherwise improving the practice of the said Court, and from time to time to alter and revoke the same: Provided also, that there shall be no appeal from any interlocutory decree or order not having the force or effect of a definitive sentence, and thereby ending the suit in the Court of Appeal of the Province, save by permission of the Judge of such Court.

*Bishop empowered to inhibit Party accused from performing Services of the Church, &c.*

XIV. And be it enacted, That in every case in which, from the nature of the offence charged, it shall appear to any Bishop within whose Diocese the party accused may hold any preferment, that great scandal is likely to arise from the party accused continuing to perform the services of the Church while such charge is under investigation, or that his ministration will be useless while such charge is pending, it shall be lawful for the Bishop to cause a notice to be served on such party at the same time with the service of a copy of the articles aforesaid, or at any time pending any proceedings before the Bishop or in any Ecclesiastical Court, inhibiting the said party from performing any Services of the Church within such Diocese from and after the expiration of fourteen days from the service of such notice, and until sentence shall have been given in the said cause: Provided that it shall be lawful for such party, being the Incumbent of a Benefice, within fourteen days after the service of the said notice, to nominate to the Bishop any fit person or persons to perform all such services of the Church during the period in which such party shall be so inhibited as aforesaid: and if the Bishop shall deem the person or persons so nominated fit for the performance of such services, he shall grant his license to him or them accordingly, or in case a fit person shall not be nominated the Bishop shall make such provision for the service of the Church as to him shall seem necessary; and in all such cases it shall be lawful for the Bishop to assign such stipend, not exceeding the stipend required by law for the Curacy of the Church belonging to the said party, nor exceeding a moiety of the net annual income of the benefice, as the Bishop may think fit, and to provide for the payment of such stipend, if necessary, by sequestration of the living: Provided also, that it shall be lawful for the said Bishop at any time to revoke such inhibition and license respectively.

*What Appeals may be.*

XV. And be it enacted, That it shall be lawful for any party who shall think himself aggrieved by the judgment pronounced in the first instance by the Bishop, or in the Court of Appeal of the Province, to appeal from such judgment: and such appeal shall be to the Archbishop, and shall be heard before the Judge of the Court of Appeal of the Province, when the cause shall have been heard and determined in the first instance by the Bishop, and shall be proceeded in in the said Court of Appeal in the same manner, and subject only to the same appeal as in this Act is provided with respect to cases sent by letters of request to the said Court; and the appeal shall be to the Queen in Council, and shall be heard before the Judicial Committee of the Privy Council when the cause shall have been heard and determined in the first instance in the Court of Archbishops.

*Archbishops and Bishops, members of the Privy Council, to be members of the Judicial Committee on all Appeals under this Act.*

XVI. And be it enacted, That every Archbishop and Bishop of the United Church of England and Ireland, who now is or at any time hereafter shall be sworn of Her Majesty's Most Honourable Privy Council, shall be a member of the Judicial Committee of the Privy Council for the purposes of every such appeal as aforesaid; and that no such appeal shall be heard before the Judicial Committee of the Privy Council unless at least one of such Archbishops or Bishops shall be present at the hearing thereof: Provided always, that the Archbishop or Bishop who shall have issued the Commission hereinbefore mentioned in any such case, or who shall have sent any such case by letters of request to the Court of Appeal of the Province, shall not sit as a member of the Judicial Committee on an appeal in that case.

*Attendance of Witnesses, and production of Papers &c., may be compelled.*

XVII. And be it enacted, that it shall be lawful in any such inquiry for any three or more of the Commissioners, or in any such proceeding for the Bishop, or for any assessor of the Bishop, or for the Judge of Court of Appeal of the Province, to require the attendance of such witnesses, and the production of such deeds, evidences, or writings, as may be necessary; and such Bishop, Judge, Assessor and Commissioners respectively, shall have the same power for these purposes as now belong to the Consistorial Court and to the Court of Arches respectively.

*Witnesses to be examined on Oath, and to be liable to punishment for Perjury*

XVIII. And be it enacted, That every witness who shall be examined in pursuance of this Act shall give his or her evidence upon oath, or upon solemn affirmation in cases where an affirmation is

allowed by law instead of an oath, which oath or affirmation respectively, shall be administered by the Judge of the Court or his Surrogate, or by the Assessor of the Bishop, or by a Commissioner; and that every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of perjury.

*Provisions of Act not to interfere with Persons instituting suits to establish a Civil Right—23 H. S. c. 9.*

**XIX.** Provided always, and be it enacted, that nothing hereinbefore contained shall prevent any person from instituting as voluntary promoter, or from prosecuting, in such form or manner, and in such Court as he might have done before the passing of this Act, any suit which, though in form criminal, shall have the effect of asserting, ascertaining, or establishing any civil right, nor to prevent the Archbishop of the Province from citing any such Clerk before him in cases and under circumstances in and under which such Archbishop might, before the passing of this Act, cite such Clerk under and in pursuance of a statute passed in the twenty-third year of the reign of King Henry the Eighth, intituled *An Act that no person shall be cited out of the Diocese where he or she dwelleth, except in certain cases.*

*Suits to be commenced within two years—Proviso.*

**XX.** And be it enacted, That every suit or proceeding against any such Clerk in Holy Orders for any offence against the Laws Ecclesiastical shall be commenced within two years after the commission of the offence in respect of which the suit or proceeding shall be instituted, and not afterwards: Provided always, that whenever any such suit or proceeding shall be brought in respect of an offence for which a conviction shall have been obtained in any Court of Common Law, such suit or proceeding may be brought against the person convicted at any time within six calendar months after such conviction, although more than two years shall have elapsed since the commission of the offence in respect of which such suit or proceeding shall be so brought.

*27 G. 3, c. 44. not to apply to Suits against Spiritual Persons, &c.*

**XXI.** And be it declared and enacted, That the Act passed in the twenty-seventh year of the reign of His late Majesty King George the Third, entitled *An Act to prevent frivolous and vexatious Suits in the Ecclesiastical Courts*, does not and shall not extend to the time of the commencement of suits or proceedings against Spiritual persons for any of the offences in the said Act named.

*Power of Archbishops and Bishops as to exempt or peculiar Places or Preferments.*

**XXII.** And be it enacted, That every Archbishop and Bishop within the limit of whose Province or Diocese respectively, any place, district or preferment, exempt or peculiar, shall be locally situ-

ated, shall, except as herein otherwise provided, have, use, and exercise all the powers and authorities necessary for the due execution by them respectively of the provisions and purposes of this Act, and for enforcing the same with regard thereto respectively, as such Archbishop and Bishop ~~respectfully~~ would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such Archbishop or Bishop; and where any place, district or preferment, exempt or peculiar, shall be locally situate between the limits of more than one Province or Diocese, or where the same, or any of them, shall be locally situate between the limits of the two Provinces, or between the limits of any two or more Dioceses, the Archbishop or Bishop of the Cathedral Church to whose Province or Diocese the Cathedral, Collegiate, or other Church or Chapel of the place, district, or preferment respectively shall be nearest in local situation shall have, use, and exercise all the powers and authorities which are necessary for the due execution of the provisions of this Act, and enforcing the same with regard thereto respectively, as such Archbishop or Bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such Archbishop or Bishop respectively, and the same for all the purposes of this Act shall be deemed and taken to be within the limits of the Province or Diocese of such Archbishop or Bishop; provided that the peculiars belonging to any Archbispopric or Bishopric, though locally situate in another Diocese, shall continue subject to the Archbishop or Bishop to whom they belong, as well for the purpose of this Act as for all other purposes of Ecclesiastical Jurisdiction.

*Limitation of Suits.*

XXIII. And be it enacted, "That no criminal suit or proceeding against a Clerk in Holy Orders of the United Church of England and Ireland, for any offence against the Laws Ecclesiastical, shall be instituted in any Ecclesiastical Court otherwise than is hereinbefore enacted or provided.

*If a Bishop is Patron of the Preferment held by accused Party, Archbishop to act in his Stead.*

XXIV. And be it enacted, That when any Act, save sending a case by letters of request to the Court of Appeal of the Province, is to be done or any authority is to be exercised by a Bishop under this Act, such Act shall be done or authority exercised by the Archbishop of the Province in all cases where the Bishop, who would otherwise do the Act or exercise the authority, is the Patron of any preferment held by the party accused.

*Saving of Archbishop and Bishop's Powers.*

XXV. And be it enacted, That nothing in this Act contained shall be construed to affect any authority over the Clergy of their respective Provinces or Dioceses which the Archbishops or Bishops of Eng-

land and Wales may now according to law exercise personally and without process in Court; and that nothing herein contained shall extend to Ireland.

*Act may be amended, &c.*

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

#### 17.—SOLEMNIZATION OF MATRIMONY.

(See page 173 of this Compilation.)

[**NOTE.**—In the Declaration of the British North American Bishops, at a conference held at Quebec, in September, 1851, the following opinion is expressed :]

##### *Declaration of the B. N. A. Bishops.*

1. We hold that a Clergyman knowing, celebrating marriage between persons who are related to each other within the prohibited degrees, set forth in a table of degrees, published by our Church in the year of our Lord God, 1563, is acting in violation of the laws of God and of the Church, and is liable to censure and punishment; and that persons who contract such marriages should not be admitted to the Holy Communion, except upon repentance and putting away their sin. And we recommend that the aforesaid "Table of Prohibited Degrees" should be put up in every Church in our Dioceses. We are further of opinion that injustice is done our Church in withholding from our Bishops the power of granting Marriage Licenses which is exercised by the Bishops of the Roman Catholic Church: and that in several Dioceses great irregularities, and grievous evils, prevail in consequence of the defective state of the Marriage Law. We also hold that the Clergy of our Church should abstain from celebrating a marriage between persons, both of whom professedly belong to another communion, except in cases where the services of no other Minister can be procured.

[**NOTE.**—In 1870 and 1871 the Synod adopted the following resolution :]

2. That this Synod, with a view to maintaining in due honor and veneration the Ordinance of Holy Matrimony, as a sacred rite of the Christian Church, express it as their solemn conviction that it is desirable that marriages may not be solemnized except in Churches, nor between parties who are either one or both unbaptised.—Session of 1870, page 67.

3. That this Synod do affirm its deliberate conviction that no Clergyman of our Church is justified in celebrating Marriage between persons standing within the Prohibitory Degrees of consanguinity or affinity.—Session of 1871, page 34.

##### *Issue of Marriage Licenses.*

[**NOTE.**—The question of alleged "disabilities under which the Church in this Diocese labours, in not being able to issue Marriage Licenses to her members—a privilege enjoyed by a leading denomination of Christians in

this Province," having been referred to a Committee of the Synod, and also the question as to whether a "Clergyman should solemnize Matrimony in any case where there is a divorced wife or husband of either party still living," though the rule should "not be held to apply to the innocent party in a divorce for cause of adultery." The Committee reported :

1. That they did "not find it determined, that any denomination of Christians in this Province, has the power to issue to her members, marriage licenses.

2. The Roman Catholic Church in this Province, acts upon the view, that it possesses the power to marry upon a dispensation or license issued by itself.

3. It has been urged that the Church of England, in this Province has this right

4. In view of the extreme doubt cast upon such a claim, and of the disastrous consequences that would arise from acting thereon if it turned out to be unfounded, Your Committee recommend, that a representation be made to the Legislature as to our position in this matter, as compared with the Church of Rome, in this country, and asking it to pass such a law as, while effectually protecting marriage from any undue or dangerous facilities in the contracting thereof, shall place all denominations, whether Roman Catholic or Protestant, on an equal footing.

#### *Marriage of Divorced Parties.*

The other matter referred to your Committee is contained in the resolution proposing that "No Clergyman shall solemnize matrimony in any case "where there is a divorced wife or husband of either party still living; but "this canon shall not be held to apply to the innocent party in a divorce for "cause of adultery." On this your Committee think it is highly inexpedient, if not illegal, for the Synod to forbid any Clergyman performing marriage between parties legally entitled to enter into holy matrimony. The enacting of the proposed canon (forbidding a clergyman to perform such marriages) would, in the opinion of your Committee, be a violation of the civil law relating to marriage in this country.—Session of 1872, page 51.]

[NOTE.—This report was adopted, and the Committee was requested to address the Legislature on the subject, as suggested in the Report.]

#### 18.—CHURCH MUSIC AND CONGREGATIONAL PSALMODY.

(See page 177 of this Compilation.)

[NOTE.—In the Declaration of the British North American Bishops, made in 1851, the following paragraph occurs :]

#### *Declaration of the Bishops of B. N. A.*

1. Whereas the multiplication in Churches of different Hymn Books, published without authority, is irregular in itself, and has a tendency to promote division among us, we are of opinion that a judicious selection of Psalms and Hymns by competent authority would do much to the furtherance of devotion and to the edification of pious churchmen.\*

\* In 1871 this matter was before the Provincial Synod, and the following resolution (concurring in by the Lower House) was adopted : "That the House of Bishops, feeling the want of a Hymnal for the Anglican Communion, rejoice to hear that the subject has engaged the attention of the Convocations of Canterbury and York, and express the hope that such Hymnal may be speedily prepared and published; and that a copy of this resolution be transmitted to the Presidents of the Convocations of Canterbury and York, and to the Prolocutor of Canterbury." (Proceedings of Provincial Synod, 1871, pages 58 and 78.)

*Hymn Book sanctioned by the Bishops.*

[**NOTE.**—In 1857 the following resolution was passed :]

That a committee be appointed by this Synod to consider by what means congregational psalmody can be best encouraged, and also whether it might not be expedient to give the sanction of the Synod to the Hymn book now generally used in the Diocese, and to make what additions to it as may render it more generally useful for congregational purposes ; or to adopt and sanction as the Hymn book of the Diocese, another collection which may more fully meet the requirements of the Church than that which is at present used in it.—Session of 1857, pages 19, 25.)

[**NOTE.**—In 1859 the Committee was]

2. “Authorized to take such measures as they may think fit for the circulation of their Hymn Book, and transmit copies to the Bishops of Quebec, Montreal and Huron, with a view of obtaining their opinions and suggestions thereon.”—Session of 1859, pages 102, 103.

*Psalm and Hymn Tunes authorized.*

[**NOTE.**—In 1860, the Committee on Church Music was also]

3. “Authorized, in order to meet the present requirements of choirs and music classes, to publish a small and cheap collection of Psalm and Hymn tunes and chants, embracing such metres as are likely to be required for any collection of Psalms and Hymns; so that the same be done without expense to the Synod,” \* \* \* Session of 1860, page 189.

[**NOTE.**—In 1862 the following resolution was passed :]

4. That the lord Bishop be requested to procure the services of some efficient person as teacher of congregational singing in such of the congregations of the Diocese as may require his services.—Session of 1862, page 41.

## 19.—LAY READERS IN PARISHES.

(See page 187 of this Compilation.)

[In 1871, the Synod concurred in the following resolution on the subject of Lay Readers :]

1. That under the circumstances of the Diocese, with a scattered population in large parishes and missions, it is very desirable that Lay Readers should be more generally employed than is now the case : that such Lay Reader should be recommended to the lord Bishop by the Incumbent of the parish or mission—should be entirely under his control and direction—and should be removed at his request ; and that he should be publicly received as a co-worker in the parish or mission by the lord Bishop or by an official of the Diocese appointed by his lordship.—Session of 1871, pages 60 and 69.

## 20.—WIDOWS AND ORPHANS' FUND.

(See page 236 of this Compilation.)

[**NOTE.**—In 1869, the Church Society was incorporated with the **Synod**. In that year the Constitution provided that]

1. The Widows and Orphans' Fund Committee shall consist of four Clergymen and four Laymen, members of the Synod, who shall be charged with the care of the Widows and Orphans' Fund of the late Church Society of the Diocese; to whom all claims for pensions to Widows and Orphans of the Clergy of the Diocese shall be referred, and by whom they shall be decided upon, and paid, on approval by the Bishop, according to the By-laws of the Widows and Orphans' Fund of the late Church Society Committee, or to any By-laws adopted at any future time by the Synod. It shall also be the duty of the said Committee to make annually, to the Synod, a detailed report of the state of the Fund, specifying its several securities, the amount of income they each and all yield, the number of Widows and Orphans on the Fund, and the amounts which they severally receive.—Session of 1869, pages 50 and 87.

*Widows and Orphans' Fund Committee.*

[**NOTE.**—In 1870, the Constitution of the Synod was amended and finally adopted. That part of it (Section 29) relating to the Widows and Orphans' Fund, is as follows :]

2. The Widows and Orphans' Fund and Theological Students' Fund Committee shall consist of six Clergymen and six Laymen, members of the Synod, who shall be charged with the care of the Widows' and Orphans' Fund of the late Church Society of the Diocese, to whom all claims for pensions to Widows or Orphans of the Clergy of the Diocese shall be referred, and by whom such claims shall be decided upon and paid, on approval of the Bishop, according to the By-law of the late Church Society governing the administration of the said Fund, or according to any By-law adopted subsequently by the Synod. It shall also be the duty of the said Committee to make annually to the Synod a detailed report of the state of the Fund, specifying its several securities, the amount of income which they each and altogether yield, the number of Widows and Orphans on the Fund, and the amounts which they severally receive, etc.—Session of 1870, page 96.

*Mrs. Lundy and Mrs. Ardaghs case.*

[**NOTE.**—In that year (1870) the following resolution in regard to the report of the Committee was passed :]

3. That the report of the Committee on the Widows and Orphans' Fund be received; but that this Synod desires that the terms of the By-law on the Widows and Orphans' Fund be in future adhered to, and that the case of Mrs. Lundy be referred back to the Committee for further consideration.—Session of 1870, pages 46 and 160.

4. That in accordance with the recommendation of the Committee on the Widows and Orphans' Fund, the application of Mrs. Ardagh be acceded to, and that she receive the usual pension allotted to Widows of Clergymen, on making the usual declaration required.—Session of 1870, pages 47, 48, 180.

BY-LAW: WIDOWS AND ORPHANS' FUND.

[**NOTE.**—In 1871, a By-law was adopted by the Synod as follows :]

5. Whereas by the Act of the Legislative Assembly of the Province of Ontario, passed in the 32nd year of the reign of Her Majesty Queen Victoria, entitled "An Act to Incorporate the Synod of the Diocese of Toronto, and to unite the Church Society of the Diocese of Toronto therewith," all moneys and property held in trust by the said Society for the benefit of the Widows and Orphans of Clergymen of the Diocese, have been transferred to the Incorporated Synod of the same.

It is therefore necessary to make such amendments in the By-law of the said Church Society for the administering of the Widows' and Orphans' Fund, as are required in consequence of the passing of the aforesaid Act, as well as other alterations now deemed by the said Synod to be expedient.

*Be it therefore enacted as follows:* The said Fund shall consist as heretofore of all rents, issues or profits of lands or tenements now held, or that may hereafter be given for the relief of the Widows and Orphans of Clergymen, and of all moneys and securities of whatever kind, now held, or that may hereafter be given or granted for the same purpose, unless special provision be made by the grantor or donor of the same for the distribution thereof.

(2.) Each Clergyman, whether Rector, Incumbent, or Travelling Missionary, having cure of souls in this Diocese, or licensed as Curate or Assistant Minister therein, in order to entitle his widow or children to claim the annuity hereinafter provided, shall pay annually to the credit of the Widows and Orphans' Fund, the sum of \$5; and in the event of any such Clergyman omitting so to do, the amount so omitted to be paid, together with compound interest thereon at the legal rate, shall be deducted from the first payment of annuity to be made to the Widow or Orphans of such Clergyman, or by instalments from successive payments of annuity, as the Committee of Synod for the administration of this Fund shall determine.

(3.) Each Clergyman, whether Rector, Incumbent, or Travelling Missionary, having cure of souls in this Diocese, shall observe the directions, from time to time, given by the lord Bishop or by the Synod of the Diocese, in respect to the annual collection to be made in all churches and stations, for the Widows and Orphans' Fund; and it shall be the duty of the aforesaid Committee to state, in their Annual Report to the Synod, the names of all such Clergymen as may have omitted to make the said collection.

(4.) A Committee shall be appointed annually by the Synod for the care and management of the Widows and Orphans' Fund, which Committee shall have full power to transact all business relating to the investment and improvement of the same, and to grant annuities according to the terms and conditions of this By-law; and no matter connected with the management, investment, or appropriation of the said Fund, shall be decided upon by the Synod till it has first been submitted to and reported upon by the said Committee; and such Committee shall report annually to the Synod, making a full statement of the condition of the Fund, the amount invested, and the nature and proceeds of the investments, the receipts from collections in churches and stations, from the annual payments of the clergymen, and from all other sources; also of the annuities paid and granted within the past year, and the expenditure within the same period.

5. From and after the passing of this By-law, the Synod will pay to the widow of every clergyman, who at the time of his decease shall have been duly appointed to the cure of souls in this Diocese, or licensed as a Curate or Assistant Minister therein, or who shall have been placed on any superannuated list, with the consent of the lord Bishop of the Diocese, or to the children of such Clergyman, such annuity as the state of the Fund will admit, in accordance with the scale hereinafter provided, and subject to the provisions of the second section of this By-law; the said annuity to be payable in four equal quarterly instalments on the first days of January, April, July, and October in each and every year, and to commence from the day of the death of such clergyman, or from the day on which his stipend from the public funds of the Church shall have ceased: provided that an application for the pension, in the form and manner required by this By-law, shall have been lodged with the Secretary-Treasurer of the Synod within three months after the death of the said Clergyman; but if a longer period shall have elapsed, then the annuity or annuities, if granted, shall commence and be payable from the quarter-day next preceding the day on which such application shall have been so lodged; and such annuity shall be continued to the widow during her natural life, or so long as she shall remain a widow, and continue to be entitled to the same under the provisions of this By-law. And in case such widow shall, at her death or re-marriage, have children by her late husband, an annuity shall be paid to the guardians of such children, in accordance with the said scale: provided also, that all annuities shall cease from the quarter day next preceding the marriage of any person entitled by this By-law to any such annuity.

(6.) All moneys in the hands of the Treasurer, which may not be required to meet the annuities payable to the Widows and Orphans of the Clergy, shall be, from time to time, permanently invested in some good and efficient security; and in no case shall capital be applied to the payment of annuities.

(7.) Every widow of a clergyman, or the guardian of the orphans of a clergyman, shall, in order to obtain an annuity from the said Fund, apply by a memorial, addressed to the Widows and Orphans' Fund Committee, and supported by the recommendation of the lord Bishop of the Diocese, and of two or more incumbents within the same, setting forth the time of the decease of such clergyman, the name of his widow, and the names and ages of his children, together with a statement of the income of such widow or orphans from all sources, which memorial shall be taken into consideration by the aforesaid Committee at their next meeting after the receipt of the same.

(8.) Every widow being an annuitant on the Widows' and Orphans' Fund, and the guardians of orphans annuitants on the same, shall quarterly, before receiving any portion of an annuity, make one of the following declarations in the presence of a clergyman or magistrate, which declaration shall be attested by the clergyman or magistrate before whom it is made :

*Declaration to be made by a Widow.*

I \_\_\_\_\_, do hereby declare that I am the widow of the late Reverend \_\_\_\_\_; that I am entitled to an annuity from the Widows and Orphans' Fund of the Synod of the Diocese of Toronto; that I am still a widow, and that my income for the past twelve months from all sources, has been \$\_\_\_\_\_, not including my own earnings, or annuity from the Widows and Orphans' Fund.

Signed before me,  
Name. Description. Residence.

*Declaration to be made by the Mother or Guardian of Children.*

I \_\_\_\_\_, hereby declare that I am the duly appointed guardian of the children of the late Reverend \_\_\_\_\_, whose names and ages are respectively written below; that they are entitled to an annuity from the Widows and Orphans' Fund of the Synod of the Diocese of Toronto; and that their income for the past twelve months, from all sources (not including wages earned by them, or annuity from the Widows and Orphans' Fund), has been \$\_\_\_\_\_.

*Names of Children.*

*Age next Birthday.*

Signed before me,  
Name. Description. Residence.

9. Every widow with <sup>W<sup>40</sup></sup> private income, or with a private income not exceeding four hundred dollars, shall be entitled to an annuity on her own behalf of two hundred dollars; and should the private income of any widow exceed the sum of four hundred dollars, such annuity shall be reduced by the amount of the private income of such widow in excess of that sum, so as to be extinguished in any case in which the private income of the widow amounts to six hundred dollars.

(10.) Every widow having children shall, in addition to the above, be entitled to an annuity on their behalf, as follows, viz.: for one child, eighty dollars; for two children, one hundred and forty dollars; for three children, one hundred and eighty dollars; and for four or more children, two hundred dollars; and in the event of a clergyman deceased leaving children, but no widow, or in the event of the death or re-marriage of a widow, such annuity shall be paid to the lawful guardians of such children, provided that all such annuities shall cease, in the case of boys, on their attaining the age of sixteen years, and in the case of girls, on their attaining the age of eighteen years; provided also, that such annuities shall be reduced to the extent to which the income of such orphan or orphans from other sources shall exceed the amount of annuity herein named respectively.

11. Should the Fund at any time be insufficient to meet the demands upon it, it shall be the duty of the Committee to make any reduction in the amounts paid which may become necessary, by reducing first the amounts paid to Widows or Orphans with private incomes, and the amount of such reduction shall be in proportion to the amount of such private income; provided that no reduction shall take place which shall reduce the total income of any widow or orphans below the amount which would be payable to them were they entirely without private means.—Session of 1871, pages 49 and 184.

[*NOTE.—This by-law was confirmed in 1872. Page 44 of Synod Report for that year.]*

#### 21.—THEOLOGICAL STUDENTS AND TRINITY COLLEGE UNIVERSITY.

(See page 190 of this Compilation.)

[*NOTE.—In the Declaration of the Bishops of British North America, made in 1851, the following passages occur:]*

1. Although we consider it of great importance that each Bishop should connect with his Diocese some college or like institution for the special training and preparation of young men for the ministry of the Church; we believe that one University for the North American Provinces, with foundations for each Diocese, on the model of the two great Universities, will be required to complete an educational system, as well for lay students in every department of literature and science, as for the students in theology and candidates for the sacred ministry.

2. In addition to the general studies pursued in the college or university, we deem it highly desirable that candidates for the ministry should apply themselves, under competent direction, to a systematic course of reading in theology for at least one whole year, or longer if possible, previous to their taking holy orders; and that they should likewise be instructed in the duties of the pastoral office, in correct reading and delivering of sermons, in church music, architecture, &c.

[**NOTE.**—In the revised Constitution of the Synod it is provided that one of its Committees (the Widows and Orphans' Fund, &c.)

3. Shall also have charge of, and administer the Theological Students' Fund, for the same objects and upon the same trusts, for and upon which it was held and administered by the late Church Society, or according to any By-laws which may be adopted by the Synod for the administration of the same, and shall report annually to the Synod the condition of the said Fund and the mode in which it has been administered.—Section 29 of Constitution of 1870.

## THEOLOGICAL STUDENTS' FUND BY-LAW.

[**NOTE.**—In 1870, the following By-law was adopted :]

A Committee of Synod shall be appointed annually, whose duty it shall be, immediately on their appointment, to enquire into the state of the Fund, and to declare thereupon what number of Exhibitions in Trinity College, tenable for three years, and of the value of £30 per annum, will be open to applicants in that year, giving notice to this effect in the Church —.

5. It shall be the duty of the Committee, at the August meeting, to receive and examine the testimonials of applicants, and to select as exhibitioners such as they shall consider to be most deserving, notifying the Provost of Trinity College of such selection.

6. Persons nominated to Exhibitions shall be required to pass the Matriculation Examination with such credit as may satisfy the Examiners of their probable fitness to enter the Divinity Class at the expiration of their first year; and they shall forfeit their Exhibitions if they fail to satisfy the Examiners of their actual fitness in the ensuing June examination.

7. Every Exhibitioner shall be required, at Matriculation, or on entering the Divinity Class, to subscribe a declaration of his purpose of completing his course of study, and of serving in the Diocese of Toronto for not less than five years.

8. No Exhibition shall be continued for more than three years, the first of which shall be passed in the Arts course, and the last two in the Divinity course.

9. If any Exhibitioner, having satisfied the Examiners in the June Examination of his first year, shall (by the advice or with the consent of the Professors), remain for a further period in the Arts course, his Exhibition shall be suspended until he shall enter the Divinity Class.

10. The College authorities shall furnish to the Committee at their August meeting, in each year, a Tabular Report of the conduct of the several Exhibitioners under the following heads: 1. General Conduct; 2. Attendance at Chapel; 3. Attendance at the Holy Communion; 4. Attendance at Lectures; 5. Application to Studies; 6. Progress in Studies; 7. Examinations; and any Exhibition shall be subject to withdrawal if such report be unfavorable, or if, for other reasons, the Committee shall be dissatisfied with the conduct of the Exhibitioner.

11. No person holding a Scholarship in Trinity College shall be allowed to receive or retain an Exhibition.

12. No Student of Trinity College shall be admitted to an Exhibition except he present to the Examiners a certificate of conduct from the authorities of the College of the form above prescribed, and a certificate from the Provost that he is, in respect of any regulations before mentioned, eligible for election to an Exhibition.—Session of 1870, pages 64, 107 and 148.

13. No applicant shall be eligible to receive an Exhibition, except he shall produce a written certificate from the lord Bishop of the Diocese, stating that his lordship, after a personal interview, considers him a person well fitted to enter on a course of study for Holy Orders; and that his lordship be respectfully requested to cause to be printed in the Journal of the Synod, at the end of the Clergy List, the names and residences of gentlemen accepted by him as Divinity Students in this Diocese.—Session of 1871, page 60.

[**Note.**—In 1872, the foregoing addition to the By-law of 1870 was confirmed by the Synod (page 44 of Proceedings); but there is no record of the confirmation of the By-law itself, although the report, referring to action had under it, was adopted in 1871 (pages 49 and 129).]

## 22.—SUNDAY SCHOOLS OF THE DIOCESE.

(See page 198 of this Compilation.)

[**Note.**—In the Declaration of the Bishops of British North America, made in 1851, they say]

1. We desire to express our sense of the importance, in the existing state of the Church, of Sunday Schools, especially in large towns, and we thankfully acknowledge the benefits which have resulted from the labors of pious teachers both to themselves and their scholars, under proper direction and superintendence. In every possible case, the Sunday Schools should be under the personal direction and superintendence of the minister of the parish or district; or otherwise the minister should appoint the teachers, choose the books, and regulate the course of instruction; that there be no contradiction between the teaching of the school and the Church, all Sunday scholars should be instructed in the Church Catechism and regularly taken to church.

2. We would carefully guard against the assumption that instruction in the Sunday School, even by the minister of the Parish, may be allowed to supersede the directions of the Rubrics and Canons, and on the duty of catechizing in church; for we distinctly recognize and affirm as well the great importance, as the sacred obligation, of those directions.

[**Note.**—The amended Constitution of the Synod, adopted in 1870, provided that:]

### *Sunday School Committee and its duties.*

3. The Sunday School and Book and Tract Committee shall consist of five clergymen and five laymen, members of the Synod, whose duty

it shall be to obtain statistics, and to present a report annually to the Synod on the condition and progress of Sunday Schools throughout the Diocese, to make such suggestions for their improvement as they shall judge expedient, and to consider what steps can from time to time be taken to secure the publication of books suited for libraries and for instruction in Sunday Schools, &c.—Section 33 of the Constitution of 1870.

*Sunday School Parochial Statistics required by Synod.*

4. That it be the duty of every incumbent of each parish or mission within the Diocese to furnish the Secretary of the Synod, at the opening of the business of the Synod, with a parochial report, giving [among other things specified] the number of schools, the number of teachers (male and female), the number of male children on the roll, number of female children, the average attendance since last report, etc.—*Ibid*, page 42.

[**Note.**—In 1863, the committee on Sunday Schools reported at length on various matters connected with Sunday Schools. Among other things they made the following recommendations, which were adopted by the Synod:

*Sunday School Libraries.*—\* \* \* In the selection of books for Sunday School libraries, very great benefit would arise from having selections carefully made, adapted to the circumstances of our own country, and published in the Province. \* \* \*

*Books of Instruction.*—Suitable books of instruction are essential to the success of Sunday Schools. \* \* \* Something can be done to meet a want that those engaged in Sunday School teaching in this country feel, by preparing new books for the purpose, or by adapting to our use books published elsewhere, thus promoting a more thorough course of instruction, as well as giving a more extensive range to the subject of Sunday School teaching. \* \* \*

*Lay Superintendents.*—Each school should be in charge of a lay superintendent, with a sufficient number of devoted and pious teachers to help him. It is very desirable, when possible, that the clergyman should have a general and ever vigilant oversight of the school, but the details of management, the order and discipline of the schools, rest with the lay superintendent, who should be appointed by, and responsible to the clergyman; thus lay agency would be worked, and lay co-operation secured. \* \* \* In addition to the ordinary routine of the school, the clergyman should set apart specific periods for catechetical instruction, given by himself in the school, and at stated periods, preach a sermon specially addressed to Sunday School scholars.—Session of 1863, pages 13, 19.]

[**Note.**—The Committee's suggestions in 1871, also adopted, were as follows:]

*Local Associations.*—The subject of Sunday Schools should frequently form the topic for discussion in rural-decanal meetings, and where found practicable, local associations of clergy and teachers should be formed to promote the Sunday School work in the several rural deaneries.

*The Support of Sunday Schools.*—The Committee \* \* \* record their sense of the necessity for recognizing the principle that the money required for the efficient maintenance and accommodation of the Sunday Schools should be furnished by the congregations to which they are attached, and that the money contributed by the children and teachers should be devoted to the missionary, or other work of the Church.

*Uniform Lesson Scheme.*—Every school will accomplish its work with more satisfactory results, if its teaching is conducted according to a scheme previously arranged for the year. This is done in some schools. \* \* \* It is a matter of considerable importance to induce the schools to adopt a uniform scheme of lessons, so that the entire Diocese should, on the Sunday, take the same subject of instruction in the Sunday Schools, as we use the same Psalms and Collects in our Church service. The children should have their separate lessons according to their capacity and attainments, but there may be a uniform scripture subject, and to a great extent uniform subjects for catechetical lessons. \* \* \*

*Monthly Catechizing.*—The class or scripture lesson may be omitted or shortened once a month, in order that the clergyman may take twenty minutes for the purpose of catechising the whole school.

*Short Address each Sunday.*—It would add much to the value of lessons, where uniform lessons are given throughout the school, if the clergyman or superintendent would give them a practical application at the close of each Sunday's work in a very short address.

*Liturgy and Hymns.*—The prayers used in the schools should be chiefly of the responsive character, both as being adapted to retain the attention of the children, and to accustom them to that feature of our Church service. The "Order of Prayers for the use of Sunday Schools, authorized by the Bishop and published by Mr. Rowsell, is well adapted for that purpose. There should be at least three hymns or chants sung during the school session: one at the opening, another in the middle, at change of lesson, and one at the close.

*Register Books.*—The following are recommended: 1. The Teacher's Roll Book; 2. General Class Book; 3. Sunday School Register; 4. Sunday School Minute Book.

*Management of a Sunday School Library.*—The Committee suggest the following plan, which is found by actual experience as one of the best. There should be a printed catalogue in pamphlet form. Each volume is numbered, and has a separate compartment in the library numbered to correspond. Each scholar is provided with a catalogue and two library cards. Card No. 1 has the name of the scholar, number of class and name of teacher, and when handed in by the scholar occupies the compartment in the library from which the book given to him was taken. Card No. 2 has name of the scholar, number of class and name of teacher, with spaces left for numbers of books required for a year or shorter period. Card No. 2 always accompanies the book in possession of the scholar.

Exchanging books is thus managed:—Each scholar gives in at the time appointed his book, with Card No. 2. During the school session, the librarian sorts the books by classes, scoring out the number of the book given out on Card No. 2. Immediately before closing the school, the librarian leaves the books for each class with the teacher, who distributes them to the scholars.

—Session of 1871, p. 141.

*[Note.]*—The regulations adopted by the Committee, under which books are given to Sunday Schools, are as follows.

i. A first free grant of Bibles, Testaments, Prayer Books, Catechisms and Library Books, from the Christian Knowledge Society Catalogues, and other books circulated by the Committee since it was constituted, to the value of from \$2 to \$6 (at the discretion of the Committee), will be made to every newly-established Sunday School in any parish or mission in the Diocese.

ii. A second free grant from the same lists, but not exceeding \$4 in value, will be made to Sunday Schools in new or poor neighborhoods, at the discretion of the Committee.

iii. Other subsequent grants will be made, not oftener than once a year, from the same lists to any Sunday School, to the value of double the amount, in books, of any sum not exceeding ten dollars, which may be sent on behalf of such school for Bibles, Testaments, Prayer Books and Library Books.

iv. In all cases it will be necessary, before aid can be granted to any Sunday School under these regulations, for the party applying on behalf of such school to fill up and transmit to the Synod Office a blank form, to be furnished by it, containing, among other things, the following information:

(1.) The name of the school, parish, or mission; the name of the superintendent of the school, and the number of teachers, male and female, engaged therein.

(2.) The number of pupils enrolled in the schools, of boys and girls, and the average attendance of both kinds of pupils each Sunday.

(3.) The amount which the school or congregation has contributed during the preceding twelve months towards the expenses of the school, and in what way such sum has been raised.

(4.) The number and kind of Bibles, Testaments, Prayer Books, Catechisms, or Library Book which may be required in the school.

(5.) The time when the school was established, and whether it was before aided by the Committee.

v. No grant shall be made to any Sunday School which is not in actual operation at the time of making the application on its behalf.

vi. These regulations being general in their character may, in special cases, be varied at the discretion of the Committee.—Session of 1871, page 147.

### 23.—BOOKS AND TRACTS.

(See page 231 of this Compilation.)

[**NOTE.**—The Church Society having become merged into the Synod in 1869, the Synod, in its new constitution, provided for the appointment of a Book and Tract Committee, whose duties were defined to be similar to those of a Committee of the late Church Society of the same name (page 88). In 1870, the Constitution was revised, and the Committee was combined with that on Sunday Schools. The part of the Constitution relating to books and tracts is as follows :]

1. \* \* \* It shall also be the duty of the Committee to manage the Book and Tract Department, as the same was conducted by a special committee of the late Church Society, or under any regulations which may hereafter be adopted by the Synod for the management of the same, reporting annually to the Synod the condition of the said department, both in relation to its stock of books and tracts, and the funds of the same.—Session of 1870, page 97.

[**NOTE.**—The following regulations of the Committee were also reported to the Synod in 1871 and adopted :]

#### *Grants to Parishes or Missions*

I. **A First Grant** of service books, bibles, prayer books, and tracts will be made to any new mission or congregation in the Diocese, to the value of from \$2 to \$6, at the discretion of the Committee.

II. **A Second Grant** will be made to any parish, mission or congregation, to the value of double the amount, in books, of any sum not exceeding ten dollars which may be received from such parish, mission or congregation.

III. In all cases, before aid can be granted under these regulations, it will be necessary for the parties applying for such aid to furnish the Committee with the following, among other items of information, on a form to be provided, viz.:

- (1.) The name of the parish, mission, &c., and of the officiating clergyman.
- (2.) The estimate number of persons composing the congregation on behalf of which the application is made, and the average number of such persons attending each service.
- (3.) The amount contributed by such congregation for all Church purposes during the preceding twelve months.

- (4.) The number and kind of bibles, prayer books and tracts required.
- (5.) The year in which the congregation was established, and whether the parish or mission was before aided by the Committee.

IV. No grant shall be made to any parish, mission or congregation which is not in actual existence at the time of making the application on its behalf.

V. These regulations, being general in their character, may be varied in special cases, at the discretion of the Committee.—Session of 1871, page 147

#### 24.—PAROCHIAL STATISTICS.

(See page 221 of this Compilation.)

[**NOTE.**—In 1862 the Synod declared by resolution]

1. That it shall be the duty of every incumbent of every parish or mission within the Diocese to furnish the Secretary of the Synod, at the opening of the business of the Synod, with a parochial report, giving the name of the parish, the name of the incumbent, and the name or names of the assistant minister or ministers, if any, the number of families, of individuals, the number of communicants on the parish roll, the number added since last report, the number who have removed from the parish, the number who have ceased to be communicants; how often divine service has been performed on Sundays, on week-days, the average attendance on divine worship in the morning, in the evening, on week-days; the number of parochial visits paid by the clergy, the number of visits paid by his district visitors, or their lay assistants working in the parish; the number attending the parochial school, if there be one in the parish, and the average attendance since last report, the number of paid teachers employed therein, the number of unpaid teachers who voluntarily assist in the work of the school, the number of Sunday schools, the number of teachers (1 as male, 2 as female), the number of male children on the roll, number of female children, the average attendance since last report; the number of males and the number of females confirmed; what church and what parsonages are in the parish or mission, whether log, frame, brick or stone, whether they are clear of debt or not, if in debt, the amount of such debt, whether insured or not. The amount of money raised in the parish since last report: 1st, for salary of incumbents and assistants; 2nd, for the purpose of paying off the debt on the church and parsonage, and insurance on the same; 3rd, for the poor of the parish; 4th, for objects for which collections have been taken up under the direction of the lord Bishop; 5th, for

Synod dues; 6th, for extra parochial and extra diocesan purposes, and whether the deeds for the property belonging to the parish and mission have been obtained, and whether such deeds have been registered or not. That such reports be read by the Secretary of the Synod, and that a committee be appointed to draw up a report on the state of the Diocese, based upon the information afforded by these parochial reports, and that a committee be named by his lordship to draw up such a form, have them printed and furnished to the clergy of the Diocese, to be filled up by them.—Session of 1862, pages 42, 43.

[**NOTE.**—In 1863 the following resolution was passed:]

2. In future an annual report, duly authenticated, be made to the Synod giving an account of churches, parsonages and endowments in course of erection or formation in the parishes or missions of the Diocese.—Session of 1863, page 17.

[**NOTE.**—In 1864 the following resolution was passed:]

3. That a Standing Committee on Parochial and Diocesan Statistics be appointed. The duty of the committee shall be to collect from the various documents obtained throughout the Diocese, under the authority of the Bishop or this Synod, such statistical information relating to the state and progress of the Church of England in the Diocese as it may deem advisable. This information, when complied, to be presented annually to the Synod in a condensed and systematic form, for publication in the appendix to the minutes. The committee shall further see that the necessary blank forms of reports, which may be required for giving effect to this resolution, be duly prepared and sent out.—Session of 1864, page 31.

[**NOTE.**—In 1870, the Constitution was revised, and Sec. 30 passed as follows:]

***General Purposes, Statistics and Assessment Committee, and its Duties.***

4. The General Purposes, Statistics and Assessment Committee shall consist of six Clergymen and six Laymen, members of the Synod, whose duty shall be to \* \* \* prepare in tabular form the answers received from the Clergymen having the cure of souls to the questions put to them by the Bishop of the Diocese relating to the statistics and condition of their several Cures, which shall afford (amongst other uses) a basis of an equitable Assessment for the expenses of the Diocese, and lay such tables before the Synod in a convenient form for being printed as an Appendix to the Annual Report.—Section 30 of the Constitution of 1870.

**24.—SYNOD ASSESSMENT.**

(See page 224 of this Compilation.)

***Synod Expenses Provided.***

[**NOTE.**—In 1857 the Synod decided that:]

1. The expenses of the Synod shall be provided for by assessment upon the different parishes, by a committee appointed for that pur-

pose. There shall be a Treasurer of the Synod, who shall receive and disburse all moneys collected and paid under its authority; and two auditors, who shall annually inspect and report upon the condition of the accounts.—Sections 12 and 13 of the Constitution, adopted during the session of 1857, page 32.

[*Note*.—In 1862 the Synod enacted that “The Executive Committee be directed to provide (through the General Purposes Committee) for the expenses of the Provincial Synod, *pro rata*, on the several parishes.”—Session of 1862, page 41.]

2. That in future the expenses of the Synod be borne respectively by the several funds in equitable proportions.—Session of 1870, pages 74 and 107.

*Synod Assessment Committee.*

[*Note*.—In 1870 the Constitution was further revised, under the Act of Incorporation, and adopted permanently. The provisions in regard to Assessment and Finance are as follows:]

3. The \* \* \* Assessment Committee shall consist of six Clergymen and six Laymen, members of the Synod, whose duty it shall be to \* \* \* procure statistics relating to the condition of the several Cures, which shall afford (among other uses) a basis of an equitable Assessment for the expenses of the Diocese, and \* \* \* to assess the several Parishes and Missions of the Diocese for all expenses authorized by the Synod, and for all other purposes for which an assessment may be ordered by the Synod.—Session of 1870, pages 60 and 96.

*Scale of Assessment.*

[*Note*.—In 1870 the following resolutions were also adopted:]

4. That the proceeds of a revised assessment of the Diocese, on a scale not to exceed that of former years on the whole by more than twenty-five per cent., which the Assessment Committee are hereby empowered to make, be applied to meet expenses directly connected with the meetings of the Synod. That for the purpose of defraying the necessary expenses incurred in the management of the several Trusts and Funds now transferred to, or that may hereafter be vested in, the incorporated Synod, whatever sum may be required beyond that produced by the rent of lands or the interest of investments held for the General Purposes of the Synod, shall be raised by an equal ratable per centage on the several Funds administered by the Synod.—Session of 1870, page 75.

[*Note*.—In 1872 the Committee brought in a report which was adopted, including the following:]

5. That it being found that four cents in the dollar ordered to be levied on the several funds, by resolution of the General Purposes Committee, 9th February, 1871, to meet expenses, is insufficient for

that purpose, a rate of five per cent. be substituted therefor, and that the same be collected on all funds under the management of the Synod.

*Travelling Expenses Allowed.*

6. That the members of the General Purposes Fund Committee, the Clergy Commutation Trust Committee, the Endowment of the See Committee, and the Widows and Orphans' Fund Committee, be paid their travelling expenses in attending the meetings of such Committees from the funds administered by them respectively; and that the travelling expenses of the members of the other Standing Committees be paid from the General Purposes Fund.—Session of 1870, page 60.

[*Note.—In 1872 the following recommendation of the Committee was concurred in :—*

7. In regard to the payment of travelling expenses of members of Standing Committees of Synod, your Committee recommends that the resolution adopted at the Session in June, 1870 (see Journal of 1870, page 60 [section 13 above]) be rescinded, and that all such expenses (past and future) be charged against the General Purposes Fund.—Session of 1872, pages 55, 56 and 122.

*Assessment Charge on Rectory Lands.*

[*Note.—In 1871 the following recommendations of the Committee were also concurred in :—*

8. That, in order to meet the future expenses of managing the investments, and the proper share of the general expenses of Synod chargeable to the Rectory Lands already or in future to be sold and the proceeds invested, there be deducted from the proceeds of each and every sale (whether already effected or to be effected) a sum equal to five per cent. on such proceeds, and that the same be transferred to the General Purposes Fund Committee, to be by it invested as a Special Fund, the interest upon which shall be applied to meet the share of said Rectory investments in defraying the expenses of management. In regard to all the other Funds, your Committee resolved to levy an assessment of four cents per dollar on the receipts of said Funds for the past year.—Session of 1871, pages 57 and 132.

[*Note.—In 1872, an effort was made to rescind this regulation, but the Synod refused to concur.—Session of 1872, pages 55 and 56.]*

**26.—SYNOD HOUSE AND OFFICE.**

(See page 229 of this Compilation.)

[*Note.—In 1871 it was agreed :—*

1. That the following resolutions (in the report of the Synod House Committee) having been adopted by the Synod in 1868, it is expedient that no further time be lost in giving them effect; and that the Assessment and General Purposes Committee be authorized, and directed to carry out the first and second resolutions, viz. :

(1.) That, with a view to provide funds for the erection of a Synod House, an additional assessment, sufficient to produce \$500, be imposed *pro rata*, on the several parishes in this Diocese, per annum.

(2.) That the proceeds of this assessment, together with all balances of Synod moneys left over each year, be invested in Provincial, county, city, or township debentures, until a sufficient fund be accumulated to warrant the Synod in proceeding with the erection of the building, or in borrowing the sum necessary to enable it to do so.

(3.) That the Synod authorize the selection, as soon as practicable, of a suitable site in a convenient and central part of the city, for the proposed Synod House.—Session of 1871, page 65.

#### 27.—PRINTING OF SYNOD REPORT.

(See page 232 of this Compilation.)

1. That it be a direction to the present Secretaries, and also to all future Secretaries, to print the Report, and all other documents of the Synod, uniformly with the Report of last session, in order that all such reports and documents may be bound in volumes.—Session of 1859, page 85.

#### *Appendix and Index to the Synod Report.*

[*NOTE.*—In 1864 the question having been asked as to the style in which the Report of the Proceedings of the Synod should be printed, it was agreed that the cheap form should be used similar to that of 1863.—Session of 1864, page 32. This “cheap form” was a very condensed record of the minutes, printed in uniformly small type. The following resolution, moved by Dr. Hodgins, was also passed :]

2. \* \* \* That it be an instruction to the Secretaries to employ a person to collect from the official minute-book, and append to the printed minutes for each year, a copy of each canon or resolution which has been duly passed, with an index, &c.—Session of 1864, page 20.

[*NOTE.*—In the same year (1864) the honorary secretaries were authorized:]

3. To employ an assistant, whose duty it shall be to give special attention to the recording and printing of the daily minutes of proceedings.—Session of 1864, page 27.

#### *Printing of Report by Tender.*

[*NOTE.*—In 1865 it was resolved :]

4. That hereafter the minutes of proceedings of this Diocesan Synod be uniformly printed by tender, in the same style as those of the Provincial and other Diocesan Synods in Canada, and that a table of contents and index be inserted with each year's proceedings.—Session of 1865, page 55.

[**NOTE.**—In 1869 and 1870, the Constitution under the Act of Incorporation was revised and adopted. In it the Executive Committee was directed “to print the reports laid before them” of the other committees, (“or such parts of them as they may deem expedient,”) to be laid before the Synod; and the honorary secretaries were also directed to prefix to the daily “printed notices of motion” a summary of “unfinished business,” etc. (Session of 1870, pages 90 and 92.) In 1871 the following resolutions were passed:]

5. That with a view to exercise a strict supervision over the printing expenses of the Synod, be it resolved :

(1.) That there shall be a Printing Committee of the Synod appointed at each session thereof, which shall be responsible for the printing of all documents and papers, and shall see that the printing expenses of the Synod be kept within reasonable bounds.

(2.) That all printing for the Synod, its Officers and Committees, shall be by tender, addressed to and accepted by the Printing Committee.

(3.) That an arrangement be made by the Printing Committee to forward to each member of the Synod a slip containing official notices and other information.—Session of 1871, page 69.

[**NOTE.**—In 1871 the foregoing sub-section (2) was amended as follows:]

6. That all printing for the Synod, its Officers, and Committees, shall be executed by a person to be appointed by the Printing Committee, subject to a scale of charges to be adopted by it; and that the person so to be appointed provide a surety or sureties for the due performance of his work, according to the prescribed regulations of such Committee.—Session of 1872, page 60.

## PART IV.

### Canons of the Provincial Synod.

#### I.—CONSTITUTION OF THE PROVINCIAL SYNOD.

1. The Provincial Synod shall consist of the Bishops of the United Church of England and Ireland, having sees within the Province of Canada, or executing by due authority the Episcopate as assistant or **Missionary Bishop** therein, and of Delegates chosen from the Clergy and from the Laity.
2. The Bishops shall deliberate in one House, and the Delegates from the Clergy and Laity in another, and each House shall hold its sittings either in public or in private, at its own discretion.
3. The Clerical and Lay Delegates shall consist of twelve of each Order from each Diocese.
4. The Synod shall meet on the 2nd Wednesday of September in every third year, or oftener, at the discretion of the Metropolitan; or on the requisition of any two Bishops, or of the Bishop, and half the Delegates of each order in any Diocese.
5. In a vacancy of the Metropolitan See, a meeting may be called at the appointed period, or on either of the above requisitions, by the Senior Bishop of the Church in Canada.
6. A quorum of the Synod shall consist of not less than a majority of the Bishops and not less than one-fourth of the members of each Order of the Lower House.
7. The Metropolitan, or some Bishop appointed by him, shall be the President of the Upper House; and in the vacancy of the See the House of Bishops shall elect one of their own number to preside.
8. The Lower House shall be presided over by their Prolocutor, to be chosen *viva voce* on motion of any member of that House.
9. Each House shall appoint a Secretary or Secretaries, who shall keep regular accounts of all proceeding in their own House, shall record them in books provided for the purpose, shall preserve memorials and other documents under the direction of the President and Prolocutor, shall attest all public Acts of the Synod, and deliver over all records and documents to their successors.
10. The expenses of the Synod shall be provided for, and its financial concerns managed by a Committee of the Lower House, after a manner to be approved by both Houses.
11. Each House shall establish its own order of proceeding and rules of order, and may publish such of its proceedings as may appear advisable.
12. The Upper House shall propose to the Lower any business they may desire to have treated of or decided; and it shall be incumbent on the Lower House to take up and dispose of such business in preference to any other.

13. The Upper House may direct the Lower to appoint a Committee to report to the Upper on any subject, on which they may desire the judgment of the Lower, or to appoint their portion of a joint committee; or may summon the Lower to a conference.

14. Messages from the Upper House shall be delivered by an officer of the Upper to the Secretary of the Lower, by whom they shall be communicated to the Prolocutor, who shall communicate them to the House.

15. The Lower House may present to the Upper any matter which they conceive to be a grievance or to require amendment, even when they have no proposition to make on the same; and the Upper House shall thereupon place it in order for consideration, with a view of providing a remedy; and shall, before the conclusion of the session, declare to the Lower House the result.

16. The Prolocutor shall have the right of admission personally or by Committee to the Upper House, to communicate the desire or decisions of his House; and in such case he shall ascertain by message when he or the Committee can conveniently be received in the Upper House, and Act accordingly.

17. It shall be competent to the Lower House to request a joint committee or conference on any special object, beyond those submitted to it by the Upper House, or to propose for discussion any specific measure; to which request an answer shall be given: but it shall be at the option of the Upper House to accede to their request or not.

18. When either House shall desire a conference with the other, or a joint committee, the reason for either shall be agreed to by the House desiring it, and communicated in writing to the other; the Prolocutor personally or by committee in either case proceeding to the Upper House either to deliver or to receive such reasons.

19. When either House shall have come to a decision upon any subject in which the other House is concerned, it shall communicate its decision to the other.

20. If the Lower House should not concur in a decision of the Upper, they shall in stating their non-concurrence, state their reason; and may either propose an amendment or request the Upper House to suggest an amendment to meet their reason or request a conference.

21. If the Upper should not concur in a resolution or decision of the Lower, they may, in stating their non-concurrence, either state their reasons or not; and may either propose an amendment or request the Lower House to prepare an amendment, or appoint a conference, to which the Lower House shall always give attention.

22. The conference may be either by deputation from both Houses, or by deputation from the Lower House, or by open conference, as the Upper House may think fit: and the place shall be appointed by the President.

23. No proposition shall be considered as sanctioned by the Provincial Synod, until it has received the separate sanction of both Houses, which shall be declared by the President in writing.

24. Committees, whether of either House, or of the two Houses, may hold their meetings either during recesses in the session, or during the prorogation of the Synod.

25. No alteration of the Constitution or Canons shall come into operation, until it has been confirmed at a second session of the Provincial Synod.

26. Each meeting of the Synod shall be preceded, or commenced by Morning Prayer and a Sermon, if so ordered by the Metropolitan, and on the first day of such meeting the Holy Communion shall be administered.

27. The business of each day shall be commenced by prayer for the Divine Guidance and blessing, according to a form authorized by the House of Bishops.

28. The election of the Clerical and Lay Delegates shall be certified under the hand and seal of the Bishop of the Diocese which they represent, or, in the absence of the Bishop, the Chairman of the Synod, and such certificate shall be final and conclusive, which certificate shall be forwarded by the Secretaries of the Diocesan Synod to the Secretaries of the Lower House of the Provincial Synod, within fourteen days after said election.

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## II.—ON SUBMISSION OF CLERGY TO THE CANONS OF THE PROVINCIAL AND DIOCESAN SYNODS.

No Bishop within this Province shall hereafter grant his license to any clergyman to the cure of souls until such clergyman has first subscribed and declared his submission to the Canons of the Provincial Synod, and of the Synod of the Diocese of such Bishop, in the following form :

I (A. B.) do willingly subscribe to and declare that I assent to and abide by the Canons which have been, or shall be, from time to time, passed by the Provincial Synod, or the Synod of the Diocese of —

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## III.—ON THE POWERS OF THE METROPOLITAN.

1. The Metropolitan shall have precedence of all the other Bishops of the Canadian Dioceses, and the said other Bishops shall be his Suffragans.

2. The Metropolitan shall preside over the House of Bishops, and shall convene the Provincial Synod and be the President thereof.

3. Upon a memorial signed by two thirds of the Clerical and Lay Members of any Diocesan Synod, certified to be such by the Clerical and Lay Secretaries of such Diocesan Synod, requesting the Metro-

politan Bishop to exercise visitatorial power in such Diocese, the said Metropolitan Bishop shall have full power and authority to visit such Diocese, and the Bishop thereof, and during such visitation, to inhibit the exercise of all or of such part or parts of the ordinary jurisdiction of such Bishop, as to him the Metropolitan Bishop shall seem expedient, and during the time of such visitation to exercise by himself, or his commissioners such powers, functions, and jurisdiction in and over the said Diocese, as the Bishop thereof might have exercised, if he had not been inhibited from exercising the same.

#### IV.—ON THE TRIAL OF A BISHOP.

##### *Offences for which a Bishop may be tried.*

1. (A.) Crime or immorality.
2. Advisedly holding and teaching, whether publicly or privately, any doctrine contrary to that held by the Canadian Branch of the United Church of England and Ireland.
3. Wilful violation of the constitution or canons of the Provincial Synod.
4. Wilful violation of the constitution or canons of the Diocese to which he belongs.
1. (B.) All charges against a Bishop shall be made in writing, and shall be signed by seven male communicants in good standing, of whom three at least shall be Priests.

##### *Action on Rumours.*

2. Whenever a Bishop of this Church shall have reason to believe that there are in circulation rumours, reports or charges affecting his moral or religious character, he may, if he please, if acting in conformity with the written advice and consent of any two of his brother Bishops, demand of the Metropolitan, or if the Metropolitan be the Bishop affected by such rumour, then of the Bishop senior by consecration, to convene a Board of Inquiry in the mode hereinafter set forth.
3. Accusers may choose a lay advocate in preparing proofs and charges, &c., or they may prepare such charges themselves, and in either case the grounds of accusation must be set forth with reasonable certainty of time, place and circumstance.

##### *Charges to whom to be delivered.*

4. Charges prepared in either of the modes mentioned, shall be delivered to the Metropolitan, if he be not the accused; if he be the accused, the charges shall be delivered to the Bishop senior by consecration.
5. Accusers must give security for costs in the sum of one thousand dollars.

*Board of Preliminary Inquiry how constituted.*

6. The Metropolitan or senior Bishop, as the case may be, shall appoint the Deans, Archdeacons and Chancellors of the different Dioceses of the Province as a Board of preliminary inquiry, the majority of whom shall form a quorum.

*Notice to Members.*

7. The Metropolitan or senior Bishop, as the case may be, shall give notice thereof to said Board, and direct them to attend at the time and place designated by him, and organize the Board; and it shall be the duty of each member so notified to attend. The place of meeting must be within the Diocese of the accused. The Metropolitan or senior Bishop shall send at the same time a copy of the charges to the senior dignitary of the Board.

8. The sittings of the Board shall be private.

9. The Rules of evidences adopted by the Board shall be those of the Civil Courts of this Province; but two witnesses shall be necessary to the proof of any charge.

*Presentment.*

10. If the majority of the Board present shall be of opinion that there are sufficient grounds to put the accused Bishop upon his trial, they shall direct the Chairman to prepare a presentment, to be signed by such of the Board as agree thereto.

11. The Chairman shall transmit to the Bishop from whom they received the charge the presentment thus signed; and the Bishop shall send to the accused Bishop a copy of the same.

12. If a majority of the Board present shall be of opinion that there is not sufficient ground to put the accused Bishop on his trial, in such case the charges, together with the certificate of the Metropolitan, or senior Bishop by consecration, of its refusal to make a presentment, shall be prepared in duplicate, one to be sent to the Secretary of the Provincial Synod, to be deposited amongst the archives of the Synod, and the other to the members of the Diocesan Synod of the Diocese where the Bishop has been so charged. No proceedings to be had thereafter by way of presentment on such charges, except upon affidavits of two male communicants of the Church, of good standing, of their discovery of new testimony as to the facts charged, and setting forth what such testimony is, which affidavits shall be transmitted to the Chairman of the Court of Inquiry, who shall decide whether they afford ground for a second investigation; and in case he decides that such second investigation is necessary, he shall notify the Metropolitan, or senior Bishop by consecration, as the case may be, who shall direct an inquiry as hereinbefore ordered; and if he decides it to be unnecessary, he shall notify the same to the Metropolitan, or senior Bishop by consecration, as the case may be.

*Limitations of Time.*

13. No presentment shall be made in any case unless the alleged offence shall have been committed within two years next before the day on which the charges were delivered to the Metropolitan, or senior Bishop by consecration, except the charge be of such a nature that it would subject the accused to indictment before the civil courts.

*Trial.*

14. When a presentment shall have been made by the Board of Inquiry, or the majority thereof, it shall be the duty of the Bishop forthwith to give to the accused written notice to attend at the place appointed for the trial.

15. The Court shall be formed of the Bishops of the Province, the majority of whom must be present, excluding the accuser, if he be a Bishop, and the accused.

16. The Bishop to whom the presentment was made shall communicate to every Bishop that he is to attend as a member of the Court; he shall also appoint the time and place for the assembling of the Court; the time shall be within two calendar months of date of such notice, and the place shall be within the Diocese of the accused Bishop. The Bishop to whom the presentment has been made shall inform the accused Bishop, by written notice to be left at his usual place of residence, of the time and place appointed for the meeting, and summon him then and there to appear and answer.

17. The Bishops shall appoint a legal assessor at the time of trial.

18. If the accused refuse or neglect to appear, then the Court shall proceed *ex parte* to pronounce him in **contumacy**, and pronounce judgment in the case.

19. Accused may have counsel, the number of which is to be regulated by the Court.

20. The decision of the Court on all the charges shall be reduced to writing, and signed by those who assent to it, who must form a majority of the Court.

21. Sentence of the Court, if the accused be found guilty, shall be either admonition, suspension for a definite period, deprivation, or degradation.

22. The judgment of the Court to be communicated to every Ecclesiastical authority within this Province, to the Provincial Synod, and to the Synod of the Diocese of the accused Bishop; and such Diocesan Synod shall forthwith proceed to enter and record such judgment. A full record of its proceedings shall be kept by every Court.

23. The assessors of the Court shall have no vote in any case whatever.

24. A charge for erroneous doctrine may be made against any Bishop of this Church or by any other Bishop in communion with this Church, not under suspension, deprivation or degradation.

25. In case of a charge of erroneous doctrine made by a Bishop as aforesaid, if the Bishop accused be afterwards put upon his trial, the Court shall be composed of all the Bishops except the accuser and accused; three Bishops must be present, and the consent of the majority shall be necessary to a conviction.

#### V. --COURT OF APPEAL OF THE METROPOLITAN.

##### *How Constituted.*

The House of Bishops, presided over by the Metropolitan, or President of the Upper House, or Senior Bishop in their absence, with two or more assessors to be, from time to time, nominated by the said House of Bishops, shall be the Court of Appeal from the judgment of any Diocesan Court.

Three Bishops shall constitute a quorum of the Court of Appeal, and the decision of the majority of the Bishops sitting in Appeal shall bind, and in the event of an equality of votes the decision of the Court appealed from shall stand affirmed.

The Bishop of any Diocese, who has given any judgment either alone or in any Diocesan Court in, or is a party to, any case, shall not sit in Appeal in such case.

##### *Officers of the Court.*

There shall be a Registrar of the Court of Appeal, and such other officers as the Court may deem necessary to be appointed from time to time by the Metropolitan.

##### *When Appeal shall lie.*

An Appeal shall lie to the Court of Appeal, in all cases adjudged by any Diocesan Court, on behalf of any party to the case or proceeding in the Diocesan Court.

There shall be no appeal for any error or defect in form in any proceeding or judgment in a Diocesan Court.

An Appeal shall lie to the Court of Appeal from the judgment or decision of the Bishop of any Diocese.

##### *Proceedings of the Court.*

The Court of Appeal may sit in any Diocese, at such times and places as the Court shall, from time to time, order and direct.

The Appellant shall give notice of Appeal to the Respondent, and the Bishop of the Diocese, in the Court of which the judgment appealed from is given, within one calendar month after such judgment.

The Appellant shall give to the Respondent, within two calendar months after such judgment is given, a bond with sufficient securities, to be approved by the Registrar of the Court of Appeal, in the sum of £400, to secure the Respondent for the costs of appeal, in case the appeal is dismissed.

Every Appeal shall be prosecuted to a hearing by the Appellant within one year after such judgment given, if the Court of Appeal shall sit within such period of one year, and if the Court of Appeal shall not so sit, then at the first sitting of the Court of Appeal, after such year shall have expired.

The Appellant shall, within three calendar months after such judgment, bring into the Court of Appeal and file with the Registrar thereof, a transcript of all the proceedings and judgments appealed from, certified to be correct by the Registrar of the Diocesan Court, or the Bishop of the Diocese, whose judgment is appealed against.

If any of the proceedings in the next preceding four sections are not taken within the times respectively limited therefor, the Appeal shall be considered dismissed, and the judgment appealed from shall stand.

The Appellant shall give the Respondent one calendar month's notice in writing of the hearing of the Appeal.

The Court of Appeal shall make such rules and orders, as to the forms of procedure and practice, fees and costs, as such Court shall from time to time deem necessary.

#### VI.—OF MINISTERING IN PARISHES AND DIOCESES.

1. No Clergyman shall absent himself from his charge, for more than four weeks at a time, without the written consent of the Bishop; or, in his absence, of his Commissary.

2. No person shall be permitted to celebrate Divine Service or perform any office of the Church, permanently or occasionally, except he shall have been Episcopally and Canonically ordained, and it shall be the duty of the Incumbent or, in his absence, of the Church-wardens, to demand proof of such ordination and of the good standing of the Clergyman before permitting him to officiate.

No person shall perform the office of Lay Reader except he shall hold the Bishop's license.

This Canon shall not apply to the students of any Theological College, so as to prevent them from reading the Lessons in the College Chapel, or to Laymen, occasionally officiating, when there is a necessity for it.

3. No Clergyman shall officiate in any Mission or Parish, either as substitute for the Incumbent or as his assistant, for more than one month, without the written license of the Bishop, and no person who has availed himself of this implied permission shall be allowed to officiate again in the same Mission or Parish within a period of three months, unless he obtain the license of the Bishop or the Bishop's commissary.

4. No Bishop of one Diocese shall perform any Episcopal functions in another without the sanction of the Bishop thereof, save in the case provided for by the Canon relating to the powers of the Metro-

politan, nor shall any Bishop perform any such functions in any vacant Diocese except by instruction from the Metropolitan; or, in case of the voidance of his Diocese, from the Senior Bishop of the Province.

#### VII.—OF LETTERS TESTIMONIAL.

When a Priest or Deacon in good standing is desirous of leaving a Diocese, it shall be the duty of the Bishop to give him, on his request, the usual "Letters Testimonial," but the Clergyman receiving the same, shall continue subject to the Episcopal Jurisdiction of the Bishop till the Letters Testimonial shall have been presented according to their address, and accepted by the Bishop to whose Diocese the Clergyman wishes to be transferred; provided always that if they be not presented within three months after their date, they may be considered as void by the authority whence they proceeded, and shall be void unless they be presented within six months.

#### VIII.—OF EPISCOPAL RESIGNATIONS.

If a Bishop shall desire to resign his Diocese, he shall give in his resignation to the Metropolitan, in writing; or (if he be himself Metropolitan) to the Bishop senior by consecration, but such resignation shall not be accepted unless a majority of the House of Bishops consent.

#### IX. OF THE SUBDIVISION OF DIOCESES.

The House of Bishops shall have the power of subdividing existing Dioceses, or of forming a new Diocese out of portions of existing Dioceses which may be contiguous, with the concurrence, or upon the application, of the Synod or Synods of the Diocese or Dioceses affected, and it shall be the duty of such Synod or Synods to consider, without delay, any proposal for the subdivision of a Diocese which may emanate from the House of Bishops.

#### X. OF THE OFFICIATING OF STRANGE CLERGYMEN IN A DIOCESE.

When a Bishop is aware that a clergyman not of his Diocese is officiating or about to officiate in his Diocese, and when the said Bishop shall have good reason to believe that doubts exist regarding the clergyman's orthodoxy, canonical ordination, or good morals, then the Bishop may inhibit him from officiating within his Diocese, by a writing addressed to him, and to the clergy; and any clergyman after the receipt of the Bishop's inhibition, permitting such inhibited person to perform any clerical function in his Church, or Mission Chapel, shall be proceeded against by the Bishop for breach of Canonical obedience.

## XL.—CANON ON THE APPOINTMENT OF MISSIONARY BISHOPS.

*(Passed by the Provincial Synod assembled at Montreal, in December, 1872.)*

1. The Provincial Synod may elect a suitable Priest to be a Missionary Bishop over a district not within any organized Diocese, or over a District which includes, within the new territory, a part or parts of one or more existing Dioceses; and when the House of Bishops shall be satisfied that adequate provision has been made for the support of a Missionary Bishop, the Metropolitan, or presiding Bishop, may convene the Provincial Synod for the purpose of electing such Missionary Bishop, by the joint action of the Upper and Lower Houses, which election shall be conducted in the following manner: The House of Bishops shall present to the Lower House one or more names for election by ballot; and if none of these names shall be accepted by the Lower House, further names shall be presented by the Upper House, until it shall signify that it has no other name to present. All names presented to the Lower House shall be before it for election until an election shall have been made. A majority of votes, clerical and lay, shall be necessary to an election.

2. In case a Missionary Bishop shall be appointed, in the manner hereinbefore mentioned, over a District which includes, or consists of a part or parts of one or more existing Dioceses, the Missionary Bishop shall exercise no jurisdiction over any such part or parts of such other Diocese or Dioceses, until the Synod or Synods of the Diocese or Dioceses affected shall have consented to his so doing; and it shall be the duty of such Synod or Synods to consider without delay any such proposal.

3. Any Diocese of the Province may, if it desires to do so, separate and set apart any portion of its territory as a district suitable for the establishment therein of a Missionary Bishopric, and such territory so set apart may become a missionary district, and a Bishop be appointed thereto, in accordance with this canon.

4. The Bishop elected, as aforesaid, shall exercise his Episcopal functions, in such Missionary District in conformity with the Constitution and Canons of this Province, so far as they can be made applicable to the condition of the District.

5. Every Missionary Bishop shall be entitled to a seat in the House of Bishops, and shall report to the Metropolitan, for the information of the Provincial Synod, at every meeting of the Synod, concerning state and condition of the Church in his Missionary District.

6. In the event of a vacancy occurring in the office of Bishop, in any Missionary District, the Provincial Synod shall be summoned, within six months, to elect another Missionary Bishop; provided the regular meeting of the Provincial Synod shall not take place within

twelve months after such vacancy—in which case the election shall be postponed until such regular meeting; and, in the meantime, the duties of the late Bishop shall devolve, so far as they can be discharged by him, on a Commissary, whom it shall be the duty of every Missionary Bishop to appoint, on his consecration, and from time to time, as the office shall become vacant.

7. Nothing contained in the first clause of this Canon shall prevent the election of a Missionary Bishop at this Session of the Synod, or at any adjourned session of the same.

[NOTE.—In accordance with the provisions of the foregoing canon, the House of Bishops sent down to the Lower House, in three separate communications to the Prolocutor, the names of the following reverend gentlemen for the Episcopate of the Missionary District of Algoma, viz.:—

1. The Rev. Rural Dean Fauquier, of the Diocese of Huron.
2. The Rev. Henry Roe, B.A., Bishop's Chaplain of the Diocese of Quebec.
3. The Rev. David Lindsay, M.A., of the Diocese of Montreal.
4. The Rev. J. W. Burke, A.B., of the Diocese of Ontario.
5. The Rev. J. P. Du Moulin, M.A., of the Diocese of Toronto.
6. The Rev. Canon Innes, M.A., of the Diocese of Huron.
7. The Venerable Archdeacon Patton, D.C.L., of the Diocese of Ontario.
8. The Rev. Isaac Brock, M.A., of the Diocese of Huron.
9. The Rev. Charles Hamilton, M.A., Bishop's Chaplain, of the Diocese of Quebec.

There were forty-seven out of sixty clerical delegates, and thirty-six out of sixty lay delegates present at the Synod. Of these there were twenty-four clerical and nineteen lay votes necessary for a choice of Bishop. Before proceeding to ballot the Synod engaged for a short time in silent prayer, after which the ballot commenced. The highest votes cast in the first eight were as follows:

Clerical vote for Rev. Rural Dean Fauquier, from 16 up to 32.
"    "    Ven. Archdeacon Patton, D.C.L., from 14 to 22.
"    "    Rev. Charles Hamilton, M.A., 19.
"    "    Rev. Canon Innes, M.A., from 8 to 11.
"    "    Rev. Henry Roe, B.A., from 2 up to 11.
Lay vote for Rev. Canon Innes, M.A., from 25 up to 29.
"    "    Rev. Rural Dean Fauquier, from 2 up to 7.
"    "    Ven. Archdeacon Patton, D.C.L., from 5 up to 6.

Before the ninth ballot took place, a conference of a committee of clerical and lay delegates was held, the result of which was the following vote:

The Rev. J. P. Du Moulin, M.A., received 27 out of 47 clerical votes.  
"    "    "    "    33 out of 36 lay votes.

The number of votes necessary for a choice was 24 clerical and 19 lay. The Rev. Mr. Du Moulin having, therefore, received the requisite number of the votes of each order, the Prolocutor declared him duly elected as the first missionary Bishop of the District of Algoma.

By appointment of the Prolocutor, the ballot was conducted by the Rev. J. W. Marsh, M.A., Honorary Clerical Secretary of the Synod of the Diocese of Huron, and Rev. J. L. Bogart, M.A., of the Diocese of Ontario, for the clerical vote, and by Dr. Hodgins, Honorary Lay Secretary of the Synod of the Diocese of Toronto, and Henry Scott, Esq., of the Diocese of Quebec, for the lay vote.]

## PART V.

### Provincial Statutes, affecting and relating to the Church of England and Ireland in the Diocese of Toronto.

#### I. THE CHURCH TEMPORALITIES' ACT, 1841.

*An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein mentioned.*

[3 Vic., ch. 74, passed in 1840; Royal Assent promulgated on the 3rd December, 1841.]

Whereas it is desired, on behalf of the United Church of England and Ireland, in the Province of Upper Canada, that provision should be made by law for the internal management, by the members of the said Church, of the Temporalities thereof, and also for allowing the endowment thereof; and it is just and expedient that such provision should be made: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that from and after the passing of this Act, the soil and freehold of all Churches of the Communion of the said United Church of England and Ireland, now erected or hereafter to be erected in the said Province, and of the church-yards and burying-grounds attached or belonging thereto respectively, shall be in the Parson or other Incumbent thereof, for the time being, and that the possession thereof shall be in the Incumbent for the time being, and the Churchwardens to be appointed as hereinafter mentioned, by whatever title the same may now be held, whether vested in trustees for the use of the Church, or whether the legal estate remains in the Crown, by reason of no patent having been issued, though set apart for the purpose of such church, church-yard or burying-ground: Provided always, that nothing herein contained shall extend to affect the rights of any other Church, or body of Christians, to any landed property, or church now erected, but that the same shall remain as if this Act had not been passed.

*Pew Holders to form a Vestry.*

II. And be it further enacted by the authority aforesaid, that all pew-holders in such churches, whether holding the same by purchase or lease, and all persons holding sittings therein, by the same being let to them by churchwardens, and holding a certificate from the churchwardens of such sittings, shall form a vestry for the purposes in this act mentioned and declared.

*Ordinary Meetings and Proceedings of Vestry.*

III. And be it further enacted by the authority aforesaid, that a meeting of such vestry shall be holden on Monday, in Easter week, in each and every year, after due notice thereof given during the Divine Service on the morning of Easter Sunday, for the purpose of appointing churchwardens for the coming year; and that at such meeting one churchwarden shall be nominated by the incumbent of the parsonage or rectory to which the said church belongs, and the other shall be elected by a majority of those present, and entitled to vote at such vestry meeting as aforesaid: Provided, nevertheless, that in case of such Incumbent declining or neglecting to nominate a churchwarden, then both of the said churchwardens shall, for the current year, be elected in the manner aforesaid; and in case members of such vestry shall neglect to elect a churchwarden, then both such churchwardens shall, for the current year, be nominated by the Incumbent: Provided always, that if from any cause a vestry meeting shall not take place at the time specified, such appointment of churchwardens may take place at any subsequent vestry meeting to be called in manner hereinafter provided; and in case of the death or change of residence to twenty miles or more from any such church, of either of the said churchwardens, a vestry meeting shall be thereupon called, for the election, by the said vestry, of a new churchwarden, in case the one deceased or removed had been elected by the vestry, or for the nomination of a new churchwarden by the incumbent, in case the one deceased or removed had been nominated by the Incumbent.

*Qualification of Churchwardens.*

IV. And be it further enacted by the authority aforesaid, that no person shall be eligible to the office of churchwarden, except members of the said church, of the full age of twenty-one years, and who shall also be members of such a vestry.

*Churchwardens' Term of Office.*

V. And be it further enacted by the authority aforesaid, that such churchwardens shall hold their office for one year from the time of their appointment, or until the election of their successors, except in case of an appointment or nomination to fill up any vacancy occasioned by death or removal as aforesaid, and in such case the person so appointed or nominated shall hold the said office until the next annual election.

*Powers of Churchwardens.*

VI. And be it further enacted by the authority aforesaid, that such churchwardens, so to be elected and appointed as aforesaid, shall, during their term of office, be as a corporation to represent the interest of such church, and of the members thereof, and shall and may sue and be sued, answer and be answered unto, in all manner of suits and actions whatsoever, and may prosecute indictments, presentments and other criminal proceedings, for and in respect of such churches and church-yards, and all matters and things appertaining thereto, and shall and may, in conjunction with the Rector or Incumbent, make and execute faculties or conveyances, or other proper assurances in the law, to all pewholders holding their pews by purchase, or leases to those holding the same by lease, and shall and may grant certificates to those who shall have rented sittings; such conveyances, leases and certificates, to be given within a reasonable time after demand made, and at the charge of the person applying for the same; and further, it shall be the duty of such churchwardens, from time to time, to sell, lease, and rent pews and sittings, upon such terms as may be settled and appointed at vestry meetings to be holden for that purpose as hereinafter provided; provided always, that any such sale, lease, or renting, shall be subject to such rent-charge or other rent, as may from time to time be rated and assessed in respect thereof, at such vestry meetings.

*Purchase of Pews as a Freehold of Inheritance.*

VII. And be it further enacted by the authority aforesaid, that in case of the absolute purchase of any pew in any such church as aforesaid, the same shall be construed as a freehold of inheritance not subject to forfeiture by change of residence, or by discontinuing to frequent the same, and the same may be bargained, sold and assigned to any purchaser thereof, being a member of the Church of England; and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same with the same rights, and subject to the same duties and charges, as the original purchaser thereof.

*Rights of Pew-holders.*

VIII. And be it further enacted by the authority aforesaid, that any pew-holder, whether by purchase or lease, and any person renting a pew or sitting, shall and may during their rightful possession of such pew or sitting, have a right of action against any person injuring the same, or disturbing him or his family in the possession thereof.

*Accounts of Churchwardens open to Inspection.*

IX. And be it further enacted by the authority aforesaid, that such churchwardens, so to be appointed as aforesaid, shall yearly, and every year, within fourteen days after other churchwardens shall be nominated and appointed to succeed them, deliver in to such succeeding

churchwardens a just, true, and perfect account in writing (fairly entered in a book or books to be kept for that purpose, and signed by the churchwardens), of all sums of money by them received, and of all sums rated or assessed, or otherwise due and not received, and also of all goods, chattels, and other property of such church or parish in their hands as such churchwardens, and of all moneys paid by such churchwardens so accounting, and of all other things concerning their said office, and shall also pay and deliver over all sums of money, goods, chattels and other things, which shall be in their hands, unto such succeeding churchwardens; which said account shall be verified by oath before one or more of Her Majesty's Justices of the Peace, who are hereby authorized to administer the same; and the said book or books shall be carefully preserved by such churchwardens, and they shall and are hereby required to permit any member of such vestry as aforesaid, to inspect the same at all reasonable times, paying one shilling for such inspection, and in case such churchwardens make default in yielding such account as aforesaid, or in delivering over such money, goods or other things as aforesaid, it shall be in the power of the succeeding churchwardens to proceed against them at law for such default, or to file a bill in equity for discovery and relief; and in case of the re-appointment of the same churchwardens, then such account as aforesaid shall, in like manner as is aforesaid, be made and rendered before an adjourned meeting of such vestry, fourteen days after such re-appointment.

*Extraordinary Meetings of Vestry.*

X. And be it further enacted by the authority aforesaid, that it shall be in the power of the incumbent of any such parsonage, rectory, or parish as aforesaid, or of the churchwardens thereof, to call a vestry meeting whenever he or they shall think proper to do so, and it shall be his and their duty so to do, upon application being made for that purpose in writing by six at least of the members of such vestry as aforesaid; and in case, upon written application being made as aforesaid, such Incumbent and churchwardens shall refuse to call such meeting, then one week after such demand made, it shall be in the power of any six of such members of the vestry to call the same by notice to be affixed on the outer church door (or church doors where more than one), at least one week previous to such intended meeting.

*Chairman and Clerk of Vestry Meetings.*

XI. And be it further enacted by the authority aforesaid, that in all vestry meetings, the Rector or Incumbent of the Church shall preside as chairman, when present, and in his absence, such person as the majority present at such meeting shall name; and the vestry clerk, when there is one, and present, or in case there be no vestry clerk, or he be absent, then such person as the chairman shall name, shall be secretary of such vestry meeting, and the proceedings of such

vestry meeting shall be entered in a book to be kept for that purpose, and preserved in the custody of the churchwardens.

*Regulation of Pew Rents.*

XII. And be it further enacted by the authority aforesaid, that the rent-charge to be paid upon pews holden in freehold, and the rent to be paid for pews and sittings in pews, leased or rented, shall be regulated from time to time at such vestry meetings as aforesaid, provided, nevertheless, that no alterations shall be made therein, except at vestry meetings, called for such special purpose, and so expressed in the notice calling the same: and further, that the charges to be made in respect of such conveyance, leases and certificates, shall in like manner be regulated at such vestry meetings as aforesaid.

*Appointment of Clerk, Organist, Vestry Clerk, Sexton, &c.*

XIII. And be it further enacted by the authority aforesaid, that the clerk of the church, the organist, the vestry clerk, the sexton, and other subordinate servants of the church, shall be nominated and appointed by the churchwardens for the time being, and that their salary and wages shall be brought into the general account, to be rendered as aforesaid by such churchwardens.

*Fees for Marriages, Baptisms, &c.*

XIV. And be it further enacted by the authority aforesaid, that the fees on marriages, baptisms, and other services of the Church of the like nature, and the charges payable on breaking the ground in the cemeteries or church-yards, and in the said churches, for burying the dead, shall be regulated by the Ordinary, or in case there be no Ordinary, by the Bishop of the Diocese.

*By-laws of the Vestry.*

XV. And be it further enacted by the authority aforesaid, that it shall be in the power of the members of such vestries, at such vestry meetings as aforesaid, to make such by-laws for the regulation of their proceedings, and the management of the temporalities of the church or parish in which they belong, so as the same may not be repugnant to this Act, nor contrary to the canons of the said United Church of England and Ireland.

*Grants of Land for Church Purposes to be valid.*

XVI. And be it further enacted by the authority aforesaid, that any deed or conveyance of land, or of personalty, that may be made to any Bishop of the said Church, in the said Provinces, and to his successors, for the endowment of his See, or for the general uses of the said church, as such Bishop may appoint, or otherwise, or for the use of any particular church then erected, or thereafter to be erected, or the endowment of a parsonage, rectory, or living, or for other uses

or purposes appurtenant to such church in general, or to any particular church or parish, to be named in such deed, and any such deed or conveyance, to any Parson, or Rector, or other Incumbent, and his successors, for the endowment of such parsonage, rectory or living, or for other uses or purposes appurtenant thereto, shall be valid and effectual to the uses and purposes in such deed or conveyance to be mentioned and set forth, the Acts of Parliament, commonly called the Statutes of Mortmain, or other acts, laws, or usages, to the contrary thereof notwithstanding; provided always, that in order to the validity of such deeds and conveyances, the same shall be made and executed six months at least before the death of the person conveying the same, and shall be registered not later than six months after his decease.

*Church Endowment—Bishop's License.*

XVII. And be it further enacted by the authority aforesaid, that in the event of any person or persons, bodies politic or corporate, desiring to erect and found a church or churches, and to endow the same with a sufficiency for the maintenance of such church and of Divine Service therein, according to the rites of the said Church of England and Ireland, it shall and may be lawful for him or them to do so, upon procuring the license of the Bishop, under his hand and seal, for that purpose; and thereupon after the erection of a suitable church, and the appropriation by the founder thereof of such church so erected, and of lands and hereditaments, or other property, adequate to the maintenance thereof, and of an Incumbent, and adequate to the usual and ordinary charges attendant upon such church, such provision being made to the satisfaction of the Bishop, such founder, his heir and assigns, being members of the said Church of England, or such body politic or corporate, as the case may be, shall have the right of presentation to such church, as an advowson in fee presentative, according to the rules and canons of the said United Church of England and Ireland.

*No Spiritual Jurisdiction conferred by this Act.*

XVIII. And be it further enacted by the authority aforesaid, that nothing in this act contained shall extend, or be construed to extend in any manner, to confer any spiritual jurisdiction or ecclesiastical rights whatsoever upon any Bishop or Bishops, or other ecclesiastical person, of the said Church, in the said Province of Upper Canada.—  
*Page 1087 of Revised Statutes of Upper Canada, Volume 1 (1843).*

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**(a) TRUSTS AUTHORIZED BY THE CHURCH TEMPORALITIES' ACT OF 1841.**

The Church Temporalities' Act, in its 18th section, makes valid any deed, devise, or conveyance of land, or of personalty that may

be made to any Bishop of the United Church of England and Ireland in Upper Canada, and to his successors, for any of the following purposes:—

1. For the endowment of his See.
2. For the general uses of the Church in Upper Canada, as the Bishop to whom the deed shall be given and his successors may appoint; or as may be appointed otherwise in the deed, (that is, for the general uses of the Church in Upper Canada,) be applied under such particular direction as may be given in the deed, and not in the general discretion of the Bishop.
3. For the use of any particular church (in Upper Canada,) erected at the time of the deed being made; and this, it is conceived, **may** by reasonable and proper construction be divided, as the preceding head, into two; namely, to be applied towards the support of that church in such manner as the Bishop, to whom the deed shall be given, may direct; or to be applied towards the support of such church otherwise than at the discretion of the Bishop, and under such particular direction as may be inserted in the deed.
4. For the use of any particular church to be *afterwards erected* in Upper Canada, to be applied towards the support of such church, as the Bishop, to whom the deed shall be given, and his successors, **may** direct; or to be applied towards the support of such church, as the Bishop, to whom the deed shall be given, and his successors, **may** direct; ~~or to be applied~~ towards the support of such church otherwise than at the discretion of the Bishop, and under such particular direction as may be inserted in the deed.
5. For the endowment of a parsonage, rectory, or living, to be applied (as it is conceived) to that object, under the direction of the Bishop, unless other provisions for the appropriation of the rents and profits shall be made in the deed.
6. For other uses or purposes appurtenant to the Church in Upper Canada; that is, for some specified use or purpose, or uses or purposes pertaining to the Church generally—the proceeds to be applied in promoting that object, in the discretion of the Bishop, unless other provision shall be made in the deed.
7. For other uses or purposes appurtenant to any particular church (in Upper Canada,) to be named in such deed; that is, for some specified use or purpose, or uses or purposes, pertaining to such particular church; the proceeds to be applied in promoting such uses or purposes, according to the discretion of the Bishop, to whom the conveyance shall be made, unless other provisions shall be made in the deed.
8. For some use or purpose appurtenant to some particular parish (in Upper Canada), which use or purpose should be specified in the deed, and should be some use or purpose connected with the church.

in that parish ; the rents and profits to be applied in promoting such use or purpose in such manner as the Bishop, to whom the deed is to be made, shall appoint, unless other provision shall be made in the deed.

The same Act, in the same section, makes valid any deed or conveyance of land, or of personalty, that may be made to any Parson or Rector, or other Incumbent, and his successors—

1. For the endowment of such parsonage, rectory, or living.
2. For other uses or purposes appurtenant to such parsonage, rectory, or living, (which uses or purposes are to be expressed in the deed, or may be left to the discretion of the Incumbent, or left to be pointed out and promoted through the agency of some third party, as may be directed in the deed.)

[**NOTE.**—In order to the validity of deeds and bequests, the same must be made and executed six months at least before the death of the grantor or devisor, and must be registered not later than six months after his decease.—*Synod of Ontario, Session of 1862, pages 26, 27.*]

## II. CHURCH TEMPORALITIES' AMENDMENT ACT 1866.

*An Act to make further provision in relation to the Temporalities of the United Church of England and Ireland, in this Province.*

[Act 39-40 Vict., Chap. XV. Assented to 15th August, 1866,

Whereas it is desirable to provide that the Act passed by the Parliament of Upper Canada in the third year of Her Majesty's reign<sup>1</sup> chaptered seventy-four, and intituled : "An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein mentioned," and also the Act of the Parliament of this Province, passed in the sixth year of her Majesty's reign, chaptered thirty-two, and intituled : "An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this Province, and for other purposes therein mentioned," and also the Act of the Parliament of this Province, passed in the session thereof held in the fourteenth and fifteenth years of Her Majesty's reign, chaptered one hundred and seventy-six, and intituled "An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Montreal, and for other purposes therein mentioned," may be altered and amended from time to time, and the Provincial Synod of the United Church of England and Ireland, in Canada, have, by their petition, prayed that power may be given to the said Synod to make such alterations in the said Acts, as may from time to time be found

necessary for the better and more uniform regulation and management of the Temporalities of the said Church in this Province, and it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

*The Provincial Synod may change or amend Temporalities Act of 1841*

1. The Bishops, Clergy and Laity of the United Church of England and Ireland in Canada, assembled in Provincial Synod or General Assembly, under the provisions of the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, chapter one hundred and forty-one, section two, shall have power and authority from time to time by any By-law or Canon by them adopted, to make such repeal, change, alteration and amendment of and in all or any of the clauses or provisions in all or any of the said Acts in the Preamble of this Act mentioned, as they shall deem advisable and necessary for the better and more uniform regulation and management of all or any of the temporalities of the said United Church of England and Ireland in this Province, and every such Canon or By-law shall have effect accordingly; provided always, that the proviso to the sixteenth section of the Act firstly, and the proviso to the eighteenth section of the Act thirdly in the Preamble of this Act mentioned, and also the eighteenth sections of the Acts firstly and secondly and the twenty-second section of the Act mentioned, shall not, nor shall either of them be in any manner varied, altered or repealed, by any such Canon or By-law as aforesaid; and provided also that such Canon or By-law shall be approved by the Governor in Council, and before such approval, shall be published for three months in the Official Gazette.

2. This Act shall be a Public Act.

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II. DIOCESAN AND PROVINCIAL SYNODS ACT, 1856.

*An Act to enable Members of the United Church of England and Ireland, in Canada, to meet in Synod.*

[19 & 20 Vic., chap. 141; Passed June 1856; Assented to May, 1857.]

Whereas doubts exist whether the members of the United Church of England and Ireland, in this Province, have the power of regulating the affairs of their Church, in matters relating to discipline, and necessary to order and good government, and it is just that such doubts should be removed, in order that they may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities; therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

*The Bishops, Clergy and Laity may meet in Diocesan Synod.*

1. The Bishops, Clergy and Laity, members of the United Church of England and Ireland, in this Province, may meet in their several Dioceses, which are now, or may be hereafter constituted in this Province, and in such manner and by such proceedings as they shall adopt, frame constitutions and make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation, or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding, and for the convenient and orderly management of the property, affairs, and interests of the Church in matters relating to, and affecting only the said Church, and the officers and members thereof, and not in any manner interfering with the rights, privileges, or interests of other religious communities, or of any person or persons not being a member or members of the said United Church of England and Ireland: provided always, that such constitutions and regulations shall apply only to the Diocese or Dioceses adopting the same.

*The Bishops, Clergy and Laity may meet in Provincial Synod or General Assembly.*

II. The Bishops, Clergy and Laity, members of the United Church of England and Ireland, in this Province, may meet in General Assembly within this Province by such representatives as shall be determined and declared by them in their several Dioceses; and in such General Assembly frame a Constitution and regulations for the general management and good government of the said Church in this Province: provided always, that nothing in this Act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine or penalty upon any person, other than his suspension or removal from any office in the said Church, or exclusion from the meetings or proceedings of the Diocesan or General Synods; and provided also, nothing in the said Constitutions or regulations, or any of them, shall be contrary to any law or statute now, or hereafter in force in this Province.—*Canada Gazette*, 28th May, 1857.

*Certificate of Parliamentary Clerk.*

I hereby certify the above to be a true copy of the bill passed by the Legislative Council and Legislative Assembly of Canada, in the Second Session of the Fifth Provincial Parliament, and reserved for the signification of Her Majesty's pleasure thereon by His Excellency the Governor-General, on Thursday the nineteenth day of June, 1856, and subsequently assented to by proclamation in the *Canada Gazette*, bearing date the Twenty-eighth day of May, 1857.

J. F. TAYLOR, *Clerk, Legislative Council.*

## IV. DIOCESAN SYNOD AMENDMENT ACT, 1858.

*An Act to explain and amend the Act intituled, "An Act to enable the Members of the United Church of England and Ireland, in Canada, to meet in Synod.*

[22 Vic., chap. 139; Assented to 16th of August, 1858.]

Whereas doubts exist whether in the Act passed in the nineteenth and twentieth years of Her Majesty's reign, intituled, "An Act to enable the members of the United Church of England and Ireland, in Canada, to meet in Synod,"\* sufficient provision is made for the representation of the Laity of the United Church of England and Ireland in the Synods by the said Act authorized to be held, and it is expedient that such doubts should be removed: therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For all the purposes of the aforesaid Act, the Laity shall meet by representation; and until it shall be otherwise determined by the Synod in each Diocese, one or more delegates (not exceeding three in any case) may be elected at the annual Easter meetings in each Parish, Mission, or Cure within the Diocese, or in cases where there may be more than one congregation in any Parish, Mission or Cure, then in each such congregation, or at meetings to be specially called for the purpose by each Clergyman having a separate Cure of souls; and all laymen within such Parish, Mission or Cure, or belonging to such congregation, of the full age of twenty-one years, who shall declare themselves in writing, at such meetings, to be members of the United Church of England and Ireland, and to belong to no other religious denomination, shall have the right of voting at such election. Each delegate shall receive from the chairman of the meeting a certificate of his election, which he shall produce when called upon so to do at the Synod; and the first meeting of such Synod shall be called by the Bishop of the Diocese, at such time and place as he shall think fit; provided always, that no business shall be transacted by the Synod of any Diocese unless at least one-fourth of the Clergy of such Diocese shall be present, and at least one-fourth of the congregations within the same be represented by at least one delegate.

*Former Acts of Synod Valid.*

2. All proceedings heretofore had in any Diocese under the aforesaid Act, which have been conformable to this Act, shall be held to be valid, as if the same had taken place after the passing of this Act.  
—Page 734 of *Statutes of 1858.*

\* See page 343 of this Compilation.

## V. CHURCH SOCIETY INCORPORATION ACT.

*An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto.*

[7 Vic., ch. 68; passed December, 1843; received Royal Assent June 27, 1844.]

Whereas it has been represented to the Legislature of this Province, that certain persons hereinafter named, and divers others, inhabitants of Lower Canada, and also certain other persons hereinafter named, and divers others inhabitants of Upper Canada, have respectively established themselves together under a Constitution, Rules and Regulations, and have contributed, or engaged to contribute considerable sums of money, and have given or granted, or promised to give or grant, lands or real estate for the following objects, that is to say:—First, for the encouragement and support of Missionaries and Clergymen of the United Church of England and Ireland, severally within the Dioceses of Quebec and Toronto, and for creating a fund towards the augmentation of the Stipends of poor clergymen, and towards making a provision for those who may be incapacitated by age or infirmity, and for the widows and orphans of the Clergy of the said Church, respectively, in the said Dioceses; Secondly, for the encouragement of education and the support of Day Schools and Sunday Schools in the said Dioceses, respectively, in conformity with the principles of the said Church; Thirdly, for granting assistance, where it may be necessary, to those who may be preparing for the Ministry of the Gospel in the said Church within the said Dioceses respectively; Fourthly, for circulating in the said Dioceses, respectively, the Holy Scriptures, the Book of Common Prayer of the said Church, and such other Books and Tracts as shall be approved by the several Central Boards or Managing Committees of the said Associations; Fifthly, for obtaining and granting aid towards the erection, endowment and maintenance of Churches according to the establishment of the said Church in the said Dioceses, respectively, the creation and maintenance of Parsonage Houses, the setting apart of Burial Grounds and Church Yards, the endowment and support of Parsonages and Rectories according to the said establishment, and the management of all matters relating to such endowments; And whereas it would tend greatly to facilitate and promote the purposes of the said Associations that they should severally be incorporated and empowered to hold property in mortmain without letters of license and to manage, administer, alienate or dispose of the same, for the uses and purposes aforesaid, and to make and enforce rules and regulations, respectively, for the government of the said Associations, severally, and for better attaining the purposes aforesaid: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under

the authority of an Act passed in the Parliament of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Lord Bishop of the said Diocese of Quebec, the Lord Bishop of Montreal, or the Bishop administering the said Diocese for the time being, and William Smith, Andrew W. Cochran, Henry Jessop, Henry J. Noad, John Racey, James H. Kerr, David Burnet, W. H. Leavener, John M. Fraser, the Reverend C. L. F. Haensel, George Hall, James Bolton, the Reverend George Mackie, the Reverend Edward Cusack, Robert Symes, the Reverend Edmund W. Sewell, William Price, Noah Freer, Edward Bowen, John G. Irvine, Hammond Gowen, Sir James Stuart, Baronet, Matthew Bell, William Phillips, Henry LeMesurier, Junior, Edward L. Montizambert, Thomas Trigge, Peter Patterson, George B. Hall, James Turnbull, William Stevenson, James B. Forsyth, Alexander D. Bell, James Dyke, William Bowes, R. M. Harrison, H. S. Dalkin, Edward Boxer, Archibald Campbell, Charles Secretan, James McKenzie, E. P. Woolrich, George H. Parke, Samuel McCauley, James J. Loundes, G. Newton, Charles Secretan, Thomas Daikers, H. W. Welch, and such other persons as are now Members of the said Association of the Diocese of Quebec, according to the existing Constitution, Rules and Regulations thereof, and their successors, to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be Members of the said Association in the manner hereinafter provided, shall be and are hereby declared a Body Corporate and Politic, in name and in deed, by the name of "The Church Society of the Diocese of Quebec," and that the Lord Bishop of Toronto, the Venerable George Okill Stuart, Robert Simpson Jameson, Levius Peter Sherwood, James B. Macaulay, Jonas Jones, Christopher Alexander Hagerman, Peter Boyie De Blaquiere, William Henry Draper, John Simcoe Macauley, James Gordon, John Boulton, John Solomon Cartwright, D'Arcy Boulton, Mahlon Burwell, John B. Askin, Thomas Mercer Jones, Frederick Widder, William B. Jarvis, Henry Ruttan, Joseph Wells, Walter Boswell, Zaccheus Burnham, T. A. Stewart, William Dixon, James Kerby, William Allan, George Crookshank, R. C. Wilkins, Philip Vankoughnet, Gerrard Lloyd, John Macaulay, Sir Allan Napier Macnab, Guy C. Wood, George Salmon, Henry Sherwood, and such other persons as are now Members of the said Association of the Diocese of Toronto, according to the existing Constitution, Rules and Regulations thereof, and their successors, to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be Members of the said Association in the manner hereinafter provided, shall be and are hereby declared to be a Body Corporate and Politic in name and in deed, by the name of "The Church Society of the Diocese of Toronto," and that by the same names the said Associations shall have each perpetual suc-

sion and a Common Seal, with power to change, alter, break or make new the same, so often as they shall judge expedient, and that they and their successors by the same names, respectively, may sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Record, or other place of Judicature within this Province; and that they, and their successors, by the names aforesaid, shall be able and capable in law, respectively, to purchase, take, have, hold, receive, enjoy, possess and retain, without license, in mortmain, or *Lettres d'Amortissement*, all messuages, lands, tenements, and immovable property, money, goods, chattels, and movable property, which have been or hereafter shall be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, to, for, and in favour of the said Church Societies, respectively, to and for the uses and purposes aforesaid or any of them, and to do, perform and execute all and every lawful act and thing useful and necessary for the purposes aforesaid, in as full and ample a manner, to all intents, constructions and purposes, as any other Body Politic or Corporate by law may or ought to do.

*Lands, Moneys, &c., vested in the Corporations.*

II. And be it enacted, that all lands, messuages, tenements, hereditaments, or immovable property, and all rents, sum and sums of money, charged upon and issuing or payable out of any lands, messuages, tenements, hereditaments, or immovable property, as aforesaid, and all sums of money, goods, chattels, effects, or movable property, which have been or shall hereafter be paid, given, granted, purchased, appropriated, devised, or bequeathed in any manner or way whatsoever, to, for, or in favour of the said Corporations, respectively, to and for the uses and purposes aforesaid, shall be and the same are hereby vested in the said Corporations, respectively, to and for the uses and purposes aforesaid, in such manner and form, and subject to such by-laws, rules and regulations, as may be made and passed by the said Corporations, respectively, concerning the same, in the manner hereinafter provided: And that the said Corporations or the Central Boards thereof, or such other Executive and Managing Committees thereof as shall from time to time be appointed and authorized for this purpose by the by-laws, rules and regulations, which may be made and passed in the manner hereinafter mentioned, for the government of the said Corporations, shall, respectively, have power and authority to alienate or exchange; and to demise, let and lease for any terms of years, such messuages, lands, tenements, hereditaments, and immovable property as shall be so as aforesaid given, granted, purchased, appropriated, devised, or bequeathed to the said Corporations, respectively, for all or any of the purposes aforesaid, and to have, receive, and take the purchase money, consideration or price, rents, issues or profits thereof; Provided always, that the said Corporations or Central Boards thereof, or such other Executive or

Managing Committees, as aforesaid, shall, respectively, have, receive, take and hold such purchase money, consideration or price, rents, issues or profits, for the uses and purposes hereinbefore mentioned and set forth, or some or one of them, and for none other.

*Corporations may make By-laws and transact business.*

III. And be it enacted, that the said Corporations, and their successors, shall and may respectively, from time to time, hold assemblies and meetings of the said Corporations, which shall be called together in such manner and at such times and places as shall be directed and appointed by the by-laws, rules and regulations of the same, to transact the business of the said Corporations, and shall and may at any such meeting elect such persons to be members of the said Corporations, respectively, as they or the major part of them then present shall think fit: Provided always, that no act done in any such assembly or meeting of the said Corporations shall be valid or effectual, unless six persons of such Corporations, at the least, shall be present, and the major part of them consenting thereto.

*Quorum of Corporations.*

IV. And be it enacted, that the said Corporations, or the major part of those who shall be present at any of the meetings of the said Corporations to be held in manner aforesaid, shall and may, respectively, make and ordain any constitution, by-laws, rules and regulations, whatsoever, which to them or the major part of them then present, not being fewer in number than six as aforesaid, shall seem meet, reasonable or requisite, touching and concerning the well ordering and governing of the affairs and business of the said Corporations and the due administering and improving the property thereof, and the more effectually promoting the purposes thereof, as aforesaid, and such constitution, by-laws, rules and regulations in like manner from time to time to abrogate, repeal, change or alter as may be found expedient, which constitution, by-laws, rules and regulations, shall be binding upon and shall be observed, performed and kept by the Members of the said Corporations respectively; Provided always that the same shall not be repugnant or contrary to the aforesaid purposes of such Corporations, or to the laws in force in this Province.

*Written consent of the Bishop necessary.*

V. Provided always nevertheless, and be it enacted, that no such constitution, by-law, rule or regulation, or either of the said Church Societies of the Dioceses of Quebec and Toronto, nor any abrogation, repeal, change or alteration of the same, shall be of any force or effect until it shall have been sanctioned and confirmed by the Bishop of or administering such Diocese for the time being, under his hand.

*Her Majesty's rights saved.*

VI. And be it enacted, that nothing herein contained shall affect or be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Body Politic or Corporate, such only excepted as are hereinbefore mentioned and provided for.

*To be a Public Act.*

VII. And be it enacted, that this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and other persons whatsoever, without being specially pleaded.

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VI. CHURCH SOCIETY AMENDMENT ACT, 1865.

*An Act to amend the Act of Incorporation of the Church Society of the Diocese of Toronto.*

[28 Vic., ch. 54; assented to 18th March, 1865.]

Whereas the Church Society of the Diocese of Toronto and the Bishop of the said Diocese have prayed for certain amendments to the Act of Incorporation of the said Church Society passed in the seventh year of Her Majesty's reign, chaptered sixty-eight,\* and that the same rights, powers, authorities and privileges that have been conferred upon the Church Society of the Diocese of Huron, and the Incorporated Synod of the Diocese of Ontario, may be conferred upon the Church Society of the Diocese of Toronto; And whereas it would greatly facilitate and promote the purposes for which the said Church Society of the Diocese of Toronto was incorporated if the said Act of Incorporation was so amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

*Powers of Church Society of Diocese of Huron, and of the Synod of the Diocese of Ontario, conferred on Church Society of Diocese of Toronto.*

1. The Church Society of the Diocese of Toronto shall have, and there is hereby conferred upon the said Church Society, all the rights, powers, authorities and privileges that have been conferred upon or acquired by the Church Society of the Diocese of Huron, and the incorporated Synod of the Diocese of Ontario, by the several Acts of Incorporation of the said last mentioned Church Society and Incorporated Synod; and all the clauses and provisions contained in the

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\* See page 346 of this Compilation.

said Acts respectively intituled: *An Act to incorporate the Church Society of the Diocese of Huron*, and for other purposes therewith connected, passed in the twenty-second year of Her Majesty's Reign,\* and *An Act incorporating the Synod of the Diocese of Ontario*, passed in the twenty-fifth year of Her Majesty's Reign,† shall be read, taken and applied, as far as the same may be applicable, to the Church Society of the Diocese of Toronto and the Bishop of the said Diocese of Toronto, as if the same had been specially enacted for the said Church Society of the Diocese of Toronto, and whenever in the said Acts the words "Church Society of the Diocese of Huron," or "Incorporated Synod," or "Bishop of the Diocese of Ontario," or "Bishop of the Diocese of Huron" occur, the same shall be read in reference to the Church Society of the Diocese of Toronto, as if the words "Church Society," or "Incorporated Syuod" and "Bishop," were "Church Society of the Diocese of Toronto," and "Bishop of the Diocese of Toronto."

2. This Act shall be a Public Act.

[Page 136 of the Statutes of 1865.

VII.—HURON CHURCH SOCIETY INCORPORATION ACT.

*An Act to Incorporate the Church Society of the Diocese of Huron, and for other purposes therewith connected.*

[32 Vic., ch. 65; assented to 24th July, 1858.]

Whereas Her Majesty, by Her Royal Letters Patent, bearing date at Westminster, on the second day of October, in the twenty-first year of Her Majesty's reign, was pleased to divide the Diocese of Toronto into two Dioceses, the one to be called the Diocese of Toronto, and the other the Diocese of Huron, in the manner and with the limits and boundaries in the said Letters Patent mentioned; and by reason of such division it hath become expedient to incorporate a Church Society, in the Diocese of Huron; and whereas a Society for the said Diocese of Huron hath been recently formed, and hath prayed that the members thereof and their successors may hereafter form a separate society, with the corporate name and rights, and subject to the provisions hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

*The said Church Society incorporated—Powers.*

1. From and after the passing of this Act, there shall be and there is hereby constituted in and for the Church of England Diocese of Huron as now constituted, a corporation by the corporate name of the

\* See this page of the Compilation.

† See page 352 of this Compilation.

*Church Society of the Diocese of Huron*, which shall have and is hereby invested with the like corporate rights, powers and privileges, as by any Act or Acts of the Parliament of this Province, are conferred on any Church Society incorporated in any Diocese of the Church of England in this Province; and to the said corporation and to the members thereof, the several clauses and provisions of the said Acts shall apply as fully as they would have applied to any of the said Church Societies and to the members thereof, in so far as may not be inconsistent with this Act, and subject always to the provisions herein contained.

*Of whom to consist.*

2. The Church Society of the Diocese of Huron hereby incorporated, shall be composed and consist of the Lord Bishop of the Diocese of Huron for the time being, and of those members of the Church Society of the Diocese of Toronto, who shall at the time of the passing of this Act, be resident within the Diocese of Huron, unless and until it shall be otherwise provided by the By-laws of the said Church Society of the Diocese of Huron, and of such other persons as shall, from time to time, hereafter be elected members of the said Church Society, in manner provided by the Acts aforesaid.

*Society may receive certain property.*

3. The Church Society of the Diocese of Huron shall and may receive and take from any of the said Church Societies, any of the property held by such last-mentioned Societies, and discharge the trusts relating thereto, and such last mentioned Societies shall thereupon be discharged from such trusts.

*Saving of Her Majesty's rights.*

4. Nothing herein contained shall be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for.

5. This Act shall be deemed a Public Act.

[Page 199 of the Statutes of 1858.

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VIII. ONTARIO SYNOD INCORPORATION ACT.

*Extracts from an Act incorporating the Synod of the Diocese of Ontario.*

[35 Vic., ch. 86; assented to 9th June, 1869.]

*May hold certain Property.*

3. The Incorporated Synod of the Diocese of Ontario shall and may receive and take from the Church Society of the Diocese of Toronto, or from the Lord Bishop of Toronto, or from any other person whomsoever, any of the property, real or personal, held by

them and of right belonging to the said Diocese of Ontario, and shall discharge the Trusts relating thereto, and such Church Society, Lord Bishop of Toronto and other person shall thereupon be discharged from such Trusts.

*Certain Lands vested in Synod.*

4. All lands situate within the limits of the Diocese of Ontario and the Diocese of Toronto, or elsewhere, and held by the Church Society of the Diocese of Toronto, or by the Lord Bishop of Toronto, upon any special Trust or purpose for the benefit or advantage of any Church, Parsonage, Rectory, person or party, or otherwise howsoever, of the United Church of England and Ireland, within the limits of the Diocese of Ontario, shall be and are hereby vested in the Incorporated Synod of the Diocese of Ontario.

*Certain other Lands so vested.*

5. All lands situate within the limits of the Diocese of Ontario, and now lawfully held by any person or corporation, upon any special use, trust or purpose, for the benefit or advantage of any church, burying ground, parsonage or rectory, or otherwise howsoever, of the United Church of England and Ireland, within the limits of the Diocese of Ontario, may, by such person or corporation, with the consent of the party beneficially interested, be transferred to the Incorporated Synod of the Diocese of Ontario.

*Certain other property, and securities so vested.*

6. All lands, moneys, mortgages, or securities heretofore conveyed, paid or assigned to the Church Society of the Diocese of Toronto, or to any other person for the benefit of the fund called the Episcopal Trust Fund, to be applied towards the support and maintenance of the Lord Bishop of the Diocese of Ontario, for the time being, shall be and the same are hereby vested in the Incorporated Synod of the Diocese of Ontario, and shall, by the said Incorporated Synod, be held upon, to and for the use, trust and purposes for which the same were heretofore held by the person or corporation holding the same; and the Incorporated Synod may take, have, hold and receive any and all moneys, mortgages, lands and securities which shall hereafter be given, paid, devised or bequeathed to or otherwise acquired by said Incorporated Synod, for the benefit of said Episcopal Trust Fund.

*To be held on certain trusts.*

7. All lands, moneys, mortgages and securities which, under the authority of this Act, shall be vested in the Incorporated Synod of the Diocese of Ontario, shall, by the said Incorporated Synod, be held upon, to and for the use, trusts, interests and purposes for which the same was heretofore held by the person or corporation holding the same; and the said Incorporated Synod may sell and dispose ab-

solutely of any such lands, mortgages and securities as in this Act mentioned, or any other lands, mortgages and securities, which shall, after the passing of this Act, be received, held or acquired by the said Incorporated Synod, and shall have and hold the proceeds of such lands, mortgages and securities upon the same trust as the said lands, mortgages and securities had been before held, and no purchaser shall be liable for the application of any moneys paid by him or any sale under the provisions of this Act.

*Bishop of Ontario to have the administration of such property.—How it may be alienated.—And if vested in any incumbent.—Proviso.—Proviso.—Proviso, as to Rectory Lands.*

8. The Lord Bishop of the said Diocese of Ontario, for the time being, shall have the administration of all lands and personalities vested in him or conveyed to him for the endowment of his See, or for the general uses of the said church, or for the use of any particular church or chapel erected, or hereafter to be erected, or for the endowment of any parsonage, church, chapel, living or for other uses or purposes appurtenant to such United Church in general, or to any particular church or parish, and shall, by and with the consent of the Incorporated Synod of the Diocese of Ontario, have power to sell, alien and transfer any lands or personality vested in or conveyed to him for the general uses or purposes of the said See, or of the said Church, and shall also have power, by and with the consent and participation of the Rector or Incumbent, and the Corporation of the parish wherein the same be situate, and by and with the consent of the Incorporated Synod of the Diocese of Ontario, to sell, alien, and transfer any land or personality vested in or conveyed to him for the endowment of any parsonage, or living, or for the uses or purposes appurtenant to any particular church, chapel or parish; and the parson or other incumbent of any parsonage, church, chapel or living, to whom any lands or personality shall have been or may be hereafter conveyed for the endowment of such parsonage, church, chapel or living, shall have power to sell, alien and transfer the same, by and with the consent and participation of the Bishop of the said Church in the said diocese for the time being, and by and with the consent of the said Synod of the said Diocese; Provided, always, that the price or consideration of such sale, alienation or transfer, be applied to the uses and purposes for which the land or personality so sold, aliened or transferred, was conveyed; And provided also that such sales, alienation or transfer be not inconsistent with or contrary to the conditions, uses or purposes of the deed of conveyance to the said United Church, or to any Bishop thereof, or to such parson or incumbent, as the case may be, of the land or personality so to be sold, aliened or transferred; And provided further that this clause shall not authorise the sale of any land granted by the Crown to any Rectory within the said Diocese for the endowment thereof.

## IX.—INCORPORATION OF THE SYNOD OF TORONTO.

*An Act to Incorporate the Synod of the Diocese of Toronto, and to unite the Church Society of the Diocese of Toronto therewith.*

[32 Vic., ch. 51; assented to 23rd January, 1869.]

Whereas the Synod of the United Church of England and Ireland, of the Diocese of Toronto, have petitioned for an Act for the Incorporation of the said Synod, and for union with the Church Society of the said Diocese; and the said Church Society have also petitioned for the same, and it will greatly facilitate the objects for which the said Synod and Church Society were established, to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

*The Synod Incorporated.*

1. The Synod of the United Church of England and Ireland, of the Diocese of Toronto, shall be, and the same is, hereby incorporated by the name of "The Incorporated Synod of the Diocese of Toronto."

*Who shall constitute the Synod.*

2. The said Synod shall consist of the Bishop of the said Diocese, who shall be the head of the Synod, and any Suffragan or Coadjutor Bishop thereof, the Priests and Deacons of the same licensed by the Bishop or Suffragan, and of Lay Representatives, to be elected according to the Constitution of the said Synod as the same exists at the time of the passing of this Act, or as it may, from time to time, be altered by the said Synod after the passing of this Act.

*The corporate name of the Synod.*

3. The Church Society of the Diocese of Toronto shall be and is hereby united to, and incorporated with, the said Synod of the Diocese of Toronto, and shall hereafter be called and known as "The Incorporated Synod of the Diocese of Toronto."

*All property vested in the Synod.*

4. All the property, of what nature or kind soever, now held by or vested in the said Church Society, shall be and is hereby declared to be vested in the Synod of the Diocese of Toronto, without any conveyance thereof by the said Church Society to the said Synod; and the name of the said Synod is and shall stand and be in the place of the name of the said Church Society in all deeds and other writings relating to the property and affairs of the said Church Society, and in all suits and proceedings, either at law or in equity, by or against the said Church Society.

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*Trusts and Liabilities of the Synod.*

5. The said Synod shall be subject to all the liabilities of the said Church Society, and shall hold all property vested in trust in the said Society upon the same trusts as such property was heretofore held by the said Society, and shall administer the same according to such trusts; and all claims, rights, suits, actions, cause and causes of suit and action, which might but for this Act be brought, prosecuted, or enforced, by any person or persons, body or bodies corporate what soever, against the said Church Society of the Diocese of Toronto, may be brought, prosecuted and enforced against the said Synod, and against its funds, property and effects; and nothing herein contained shall relieve any officer or corporator of the said Church Society from any existing claim or liability at law or in equity, or take away any right of action or suit of any corporator of the said Society or other person, or of the said Society, in respect of any of the affairs or property of the said Society.

*Powers of the Synod.*

6. The said Synod shall have all the powers, rights, privileges, and franchises conferred upon the said Synod under the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, entitled "An Act to enable the Members of the United Church of England and Ireland to meet in Synod," as well as those conferred upon the Church Society by the several Acts of the Legislature of the Province relating to the said Church Society, and to enforce all rights and claims which either such Synod or Society could enforce against any person or persons whatsoever, body or bodies corporate, or otherwise howsoever.

*Powers of the Synod continued.*

7. The said Synod shall have full power and authority to make such canons, rules, regulations, and by-laws, as by the said Synod may be considered necessary in the exercise of the powers conferred upon the said Synod, under the said Acts in the next preceding clause mentioned, and also for the conduct of their proceedings, regulation of their members, and all such other matters as may pertain to the proper and orderly discharge of their business.

*How the Powers of the Synod shall be exercised.*

8. The said Synod may exercise all its powers by and through such Boards or Committees as the said Synod may from time to time appoint by by-law or by-laws, for the management of all or any of the affairs or property of the said Synod, but in accordance only with the trusts relating to any property to which any special trust is attached.

*Appointment and Removal of Officers.*

9. The said Synod may appoint or remove all such officers as may be found necessary for the management of the affairs and business of the said Synod, and provide for their remuneration.

*How Property and Funds are to be managed.*

10. Until other provision be made under this Act by the Synod, all the property and funds of the said Church Society shall continue to be managed by the committees and officers of the said Church Society, and under the by-laws thereof, but subject to the supervision and control of the Synod, to whom all reports respecting the same shall be made.

[Page 264 of *Statutes of 1868, '9.*

### TRUSTS AND BEQUESTS AUTHORIZED BY THE SYNOD INCORPORATION ACT.

#### FORMS OF TRUST.

##### *For General Purposes.*

Upon trust to hold the same forever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof, may be appropriated and applied to the general purposes of the Incorporated Synod of the Diocese of Toronto, aforesaid, as set forth in the statute incorporating the said Synod.

##### *For the Support of Missions.*

Upon trust to hold the same forever hereafter to the intent and upon the trust, that the rents, issues and profits thereof,—after deducting all such charges and disbursements, as may be incurred in the care and management of the said property, and in the execution of the said Trust,—may be appropriated and applied for the encouragement and support of Missionaries and Clergymen of the Church of England within the Diocese of Toronto, and for creating a fund for the augmentation of the stipends of poor Clergymen.

##### *Widows and Orphans' Fund.*

Upon trust to hold the same forever hereafter, to the intent and upon the trust, that the rents, issues and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of said property, and in the execution of said trust, may be appropriated and applied towards the fund for making provision for the Widows and Orphans of the Clergy of the Church of England in the Diocese of Toronto.

##### *Schools.*

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of said property, and in the execution of the said trust, may be appropriated and applied for the encouragement of education, and for the support of Day Schools and Sunday Schools in the Diocese of Toronto, in conformity with the principles of the Church of England.

##### *Particular Schools.*

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of said property, and in the execution of the said trust, may be appropriated and applied for the use of Day Schools and Sunday Schools [or Day

**Schools]** [or Sunday Schools] in the Township of .....  
 [or for the support of a School which hath been established on Lot  
 No. .... in the ..... Concession of the Township of .....]  
 in the Diocese of Toronto, in conformity with the principles of the Church  
 of England.

*Divinity Students.*

Upon trust to hold the same for ever hereafter, to the intent and upon  
 the trust that the rents, issues and profits thereof, after deducting all such  
 charges and disbursements as may be incurred in the care and management  
 of said property, and in the execution of the said trust, may be appropri-  
 ated and applied towards a fund for granting assistance, where it may be  
 necessary, to those who may be preparing for the Ministry of the Gospel  
 in the Church of England in the Diocese of Toronto.

*Circulation of Bibles, Prayer Books, and Religious Books and Tracts.*

Upon trust to hold the same for ever hereafter, to the intent and upon  
 the trust that the rents, issues and profits thereof, after deducting all such  
 charges and disbursements as may be incurred in the care and management  
 of said property, and in the execution of the said trust, may be appropri-  
 ated and applied towards the circulating, in the Diocese of Toronto, the  
 Holy Scriptures, the Book of Common Prayer of the Church of England,  
 and such other Books and Tracts as shall be approved by the Incorporated  
 Synod of the Diocese of Toronto aforesaid.

*Erection and Endowment of Churches and Parsonages.*

Upon trust to hold the same for ever hereafter, to the intent and upon  
 the trust that the rents, issues and profits thereof, after deducting all such  
 charges and disbursements as may be incurred in the care and management  
 of said property, and in the execution of the said trust, may be appropri-  
 ated and applied towards the erection, endowment, and maintenance of  
 Churches, according to the establishment of the Church of England, in the  
 Diocese of Toronto; the creation and maintenance of Parsonage Houses;  
 and the setting apart of Burial-grounds and Church-yards, and the endow-  
 ment and support of Parsonages and Rectories according to the same  
 establishment.

*Site of a Church.*

Upon trust to hold the same for ever hereafter, for the use of a Church  
 of the Church of England, to be erected upon the said parcel or tract of  
 Land, and for a Burial-ground in connexion therewith, and for no other  
 use or purpose whatsoever.

*Site of a Church and purposes appurtenant thereto.*

Upon trust to hold the same for ever hereafter, for the site or ground  
 plot of a Church of the Church of England, and for such other uses or  
 purposes appurtenant to the said Church as the Lord Bishop of the Dio-  
 cese shall from time to time appoint.

*Endowment of a Church.*

Upon trust to hold the same for ever hereafter, to the intent and upon  
 the trust that the rents, issues and profits thereof, after deducting all such  
 charges and disbursements as may be incurred in the care and management  
 of said property, and in the execution of the said trust, may be appropri-  
 ated and applied towards the support of the incumbent of that certain  
 Church of the Church of England, situated in .....  
 called .....

*Site of a Parsonage House.*

Upon trust to hold the same for ever hereafter, as a site for a Parsonage House for the use of the Clergyman of the Church of England doing duty at.....

**FORM OF BEQUEST.****TO THE INCORPORATED SYNOD OF THE DIOCESE OF TORONTO.**

I give, devise and bequeath unto the Incorporated Synod of the Diocese of Toronto, all and singular that certain parcel or tract of Land and Premises situate and being in the .....

To have and to hold the said parcel or tract of Land and Premises, with their appurtenances, unto the said the Incorporated Synod of the Diocese of Toronto, aforesaid, and their assigns, for ever, to the uses and upon the trusts following, that is to say.....

**A BEQUEST OF PERSONAL ESTATE.**

I give and bequeath to the Incorporated Synod of the Diocese of Toronto, the sum of..... [or..... Shares of Stock in the ..... Bank ..... standing in my name in the Books of the said Bank (if Debentures briefly describe them)] upon trust, to be by the Incorporated Synod of the Diocese of Toronto aforesaid, applied to the general purposes of the said Synod, as set forth in the statute incorporating the said Synod.

N. B.—A Bequest of Personal Estate may also be made for any particular object of the Society.

**X. SALE OF RECTORY LANDS ACT.**

*An Act to provide for the sale of Rectory Lands in this Province.*

[29-30 Vic., ch. 16; assented to 15th August, 1866.]

Whereas the Provincial Synod of the United Church of England and Ireland in Canada, have by their petition prayed for the passing of an Act to give permission to the Incorporated Synods and Church Societies of the different dioceses of the said Church in this Province, to sell the Rectory lands held in such dioceses by grant from the Crown; and whereas it is advisable to grant the prayer of such petition; therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

*By what authority Glebe or Rectory Lands may be sold. Proviso, as to the then Incumbent.*

1. The Incorporated Synod of any diocese of the United Church of England and Ireland in Canada, or the Church Society of any diocese, with the consent of the Synod of such diocese, where such Synod is not incorporated, shall have full power and authority to sell and absolutely dispose of any lands granted by the Crown in such diocese, as a glebe of, or as appurtenant or belonging to, or appropriated for, any Rectory of the said Church in said diocese, by what-

ever name the same may be called, or in whomsoever the title thereto may be vested; and any deed executed by such Incorporated Synod, or by such Church Society, shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof or rights granted therein, by competent authority prior to such sale, and also to any mortgage that may be executed thereof, to secure all or any of the purchase money thereof; provided always, that such sale shall not affect the estate or interest of the Incumbent of such Rectory at the time of such sale, unless the consent in writing of such Incumbent to such sale be first given, and that without such consent the title vested in the purchasers by virtue of such deed, shall be subject to the estate and interest of the then Incumbent, in the lands so sold.

*Investment of proceeds of sale.*

2. The proceeds of such sales, as the same may be from time to time paid, or as the same may come in from any investment, shall be invested in Government securities or county municipal debentures, and the interest arising from the said proceeds shall be paid to the Incumbent of the Rectory to which such lands belonged at the time of such sale, during the term of his incumbency.

*Applications of such proceeds.*

3. The proceeds of such sale shall be held by such incorporated Synod or Church Society in trust, *first to pay all expenses attending the management thereof*; secondly, to pay the interest of the moneys arising from such sale to the Incumbent of the Rectory to which such lands belonged at the time of such sale, during the term of his incumbency, if he has consented to such sale as aforesaid; and thirdly, after the death, retirement, or removal of such Incumbent, to pay such interest, if the amount be sufficient therefor, to the Incumbent of such Rectory for the time being, as follows: in cities, to the extent of seven hundred and fifty pounds a year; in towns, to the extent of five hundred pounds a year; and in townships to the extent of four hundred pounds a year: and any excess of interest beyond such annual payments shall be apportioned to and divided among the Incumbents of the other churches of the said Church in the City, Town or Township, in which said lands are situate, or to which such Rectory belonged, in such proportion as such incorporated Synod, or Church Society with the consent of such Synod, where not incorporated, shall by resolution, by-law or canon, from time to time order and direct.

*Right of presentation not affected.*

4. Nothing in this Act contained shall affect the right of presentation to any Rectory, but such right of presentation shall continue to be exercised as it was before this Act was passed.

*Sales to be within ten years.*

5. The right to exercise the power of sale granted by this Act, must be exercised within ten years from the passing thereof.

*To what Rectories the Act shall apply.*

6. This Act shall apply only to those rectories and rectorial lands which come within the provisions of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, chaptered one hundred and seventy-five.

7. This Act shall be deemed a Public Act.

[Page 69 of the *Statutes of 1866*.]

**XI. SALE OF RECTORY LANDS AMENDMENT ACT.**

*An Act to amend the Act of the present session, intituled: An Act to provide for the sale of the Rectory Lands in this Province.*

[39-30 Vic., ch. 17; assented to 15th August, 1866.]

Whereas it is expedient to amend the Act of the present session hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

*Section 6 of Chapter 16 repealed.*

1. The sixth section of the Act passed in the present Session of the Parliament of this Province, intituled: *An Act to provide for the Sale of the Rectory Lands in this Province*, is hereby repealed, and the following section shall be and is hereby substituted in lieu of the said section hereby repealed, and shall be taken and read as the sixth section of the said Act.

*New Section substituted.*

“6. This Act shall not apply to any lands granted by the Crown, as sites for Churches, Parsonages, or Burial Grounds, or now occupied as such.”

[Page 71 of the *Statutes of 1866*.]

**XII. POWER OF ALIENATING LANDS AND PERSONALTY.**

*An Act to confer upon the Bishop and Incumbents of the Diocese of Toronto, similar powers to those held by the Bishop and Incumbents of the Diocese of Ontario.*

[34 Vic., ch. 79; assented to 15th February, 1871.]

\*Whereas by section eight of the Act passed in the twenty-fifth year of the reign of Her present Majesty, and chaptered eighty-six,\*

\* See page 352 of this Compilation.

the Bishop, Rectors and other Incumbents of the Diocese of Ontario have the power of alienating and transferring lands and personality vested in them respectively for the uses and purposes of the said See and of the Churches, Parishes, and Livings therein ; and whereas, it was intended that by the Act passed in the twenty-eighth year of the reign of Her said Majesty, and chaptered fifty-four, similar powers should be conferred upon the Bishops, Rectors and other Incumbents of the Diocese of Toronto, but doubts exist whether such powers were thereby conferred, and it is expedient that such doubts should be removed, and that the powers hereinafter granted should be conferred upon the last named Bishops and Incumbents ; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

*The Bishop to have the administration of lands and personality.*

1. The Lord Bishop of the Diocese of Toronto for the time being shall have the administration of all lands and personality which now are, or hereafter may be, vested in him or conveyed to him for the use or endowment of his See, or for the general use of the Anglican Church in his Diocese, or for the use or endowment of any particular Church, Chapel, Parsonage, Parish, Mission, or Living erected or established, or hereafter to be erected or established therein, or for other purposes appertaining to the said Church in his Diocese, or to any particular Parish therein.

*Alienation of Property.*

2. The said Bishop, by and with the consent of the Incorporated Synod of the said Diocese, shall have power to sell, alien and transfer any lands or personality, which now are, or may hereafter be vested in, or conveyed to him for the general uses and purposes of the said See or of the said Church, and by and with the consent of the said Synod and of the Rector or Incumbent of the Parish or Mission to which the same may pertain, or for the benefit of which the same may be held ; shall also have power to sell, alien and convey any lands or personality which now are, or hereafter may be, vested in or conveyed to, the said Bishop for the purposes, use, or endowment of, or pertaining to any Church, Chapel, Parsonage, Parish, Mission or Living.

*If vested in the Incumbent.*

3. The Parson, Rector or other Incumbent, of any Church, Chapel, Parsonage, Parish, Mission or Living for the time being, to whom any lands or personality shall have been or hereafter may be conveyed, or in whom the same may now be or hereafter may be vested for the purpose, use or endowment of such Church, Chapel, Parsonage, Parish, Mission or Living, shall, by and with the consent of the Bishop of the said Diocese and of the Synod thereof, have the power to sell, alien and convey such lands and personality.

*Application of the proceeds of Sales.*

4. The price or consideration money of any such sale, alienation or transfer, shall be applied to the uses and purposes for which the land or personality so sold, aliened or transferred, was originally conveyed to, or became vested in, the said Bishop and Incumbents respectively.

*Power to convey Glebe lands.*

5. The said Bishop, and any Rector, Parson, or other Incumbent in the said Diocese, in each case by and with such consent as is herein provided for in regard to such sales by them as aforesaid, shall have power to grant and convey any glebe, house or lands, which now are or hereafter may be vested in them respectively, to any person or persons, body or bodies corporate, in exchange for any other house, buildings or lands; and it shall be lawful for the said Bishop, Rectors, Parsons or other Incumbents, with the like consent, to accept and take in exchange to him, them, and their respective successors forever, from any person or persons, or body corporate, any other house, buildings, or lands, in lieu of and exchange for such house or lands so granted and conveyed.

*Consent of Synod, Bishop or Incumbent, how signified.*

6. The consent of the Synod, Bishop or Incumbent, respectively, hereinbefore required, shall be testified by their respectively executing the deed or other assurance by which any lands or other premises shall be conveyed or assured.

*This Act not to affect lands mentioned in 29 and 30 Vic., Chap. 16.*

7. Nothing in this Act shall extend or apply to the lands mentioned in the Act of Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered sixteen, and intituled, "An Act to provide for the sale of Rectory Lands in this Province."

[Page 293 of the Statutes of 1866.]

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### XIII. SALE OF GLEBE LOTS IN DARLINGTON.

*Extract from an Act to authorize the Church Society of the Diocese of Toronto to sell certain Glebe Lots of Land in Darlington, and for other purposes.*

[29 Vic., ch. 57; assented to 15th March, 1865.]

1. The Church Society of the Diocese of Toronto shall, and they are hereby authorized to sell and convey absolutely in fee simple, on the written request of the Rector and Churchwardens of St. John's Church, Bowmanville, founded on a vote of a majority of the vestry of the said church then taken, accepting an offer for the purchase of

the said land for the time being, the glebe lots belonging to the said church situate in the Township of Darlington, County of Durham, being lot number thirty-one in the first concession of Darlington, to any person or persons, bodies politic or corporate, that may be willing and competent to purchase the same.

*Application of moneys arising from Sale*

2. The moneys raised by such sale shall be invested by the said Church Society in Provincial or County Debentures, as requested in writing by the said Rector and Churchwardens, for income of the said Rector or Incumbent of St. John's Church aforesaid and his successors, and no purchaser shall be liable or obliged to see to the application of any money paid by him upon any sale under the provisions of this Act; Provided always that if any portion of the purchase money is not paid at the time of such sale, it may remain on mortgage on the said glebe lands upon such terms and for such time as may be agreed upon between the parties.

*Existing rights saved.*

3. This Act shall in no respect affect or interfere with the rights of any party or parties under existing leases of any part of the said land.

4. This Act shall be deemed a Public Act.

[*Pages 141, '2 of the Statutes of 1865.*

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**XIV. VALIDITY OF ACTS PERFORMED IN CANADA BY CLERGYMEN ORDAINED IN FOREIGN PARTS.**

*An Act to establish the validity of Acts performed in Canada by certain clergymen ordained in Foreign Parts, and for other purposes.*

[28 Vic., ch. 7; assented to 18th March, 1865.]

Whereas, by the Third Section of an Act of the Imperial Parliament, passed in the twenty-sixth year of the reign of His late Majesty King George the Third, intituled: "An Act to empower the Archbishop of Canterbury or the Archbishop of York, for the time being, to consecrate to the office of Bishop persons being subjects or citizens of countries out of His Majesty's dominions," it was, in effect, enacted that no person or persons admitted to the order of Deacon or Priest, by any Bishop or Bishops so consecrated, or by the successor or successors of any Bishop or Bishops so consecrated, should be thereby enabled to exercise his or their respective office or offices within His Majesty's dominions; and whereas, from its having been apprehended that divers persons so admitted to such order of Deacon or Priest, had exercised their respective offices within divers British Colonies, and that the validity of their acts so performed, and even the power of

Colonial Legislatures to give validity thereto, were doubtful, it was afterwards, in effect, enacted by another Act of the Imperial Parliament, passed in the session held in the twenty-sixth and twenty-seventh years of Her Majesty's reign, intituled: "An Act to establish the validity of acts performed in Her Majesty's possessions abroad, by certain clergymen ordained in Foreign Parts, and to extend the powers of Colonial Legislatures with respect to such Clergymen," that the Legislature of any such Colony might authorize any such persons to exercise their respective offices therein, anything in the aforesaid Act to the contrary notwithstanding; and that all acts theretofore performed in any British Colony by any person having been admitted to the office of Priest or Deacon by any of such Bishops as aforesaid, or of their successors, should be as valid and effectual at law, for all purposes whatever, as if such person had been so admitted by a Bishop or Bishops of the United Church of England and Ireland: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

*Acts of persons ordained by Bishops in Foreign Parts, and who have obtained licenses from Bishops in the Province, to be valid.*

1. Any persons admitted to the order of Priest or Deacon by any of such Bishops as are mentioned in the said first recited Act, and having obtained the license to that end of the Bishop of any Diocese within this Province, of the United Church of England and Ireland, may exercise their respective offices as such within this Province; and their acts so performed shall be as valid and effectual at law for all purposes whatever, as if such persons had been so admitted by a Bishop or Bishops of the United Church of England and Ireland.

*Acts heretofore performed by them declared valid.*

2. All acts heretofore performed within this Province by any person having been admitted to the order of Priest or Deacon by any of such Bishops as are mentioned in the said first recited Act, shall be as valid and effectual at law for all purposes whatever, as if such person had been so admitted by a Bishop or Bishops of the United Church of England and Ireland.

[Page 20 of the Statutes of 1865.

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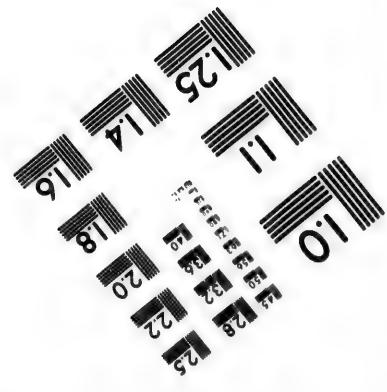
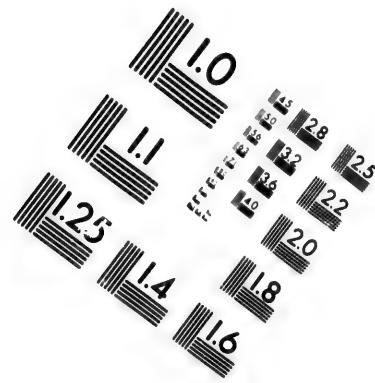
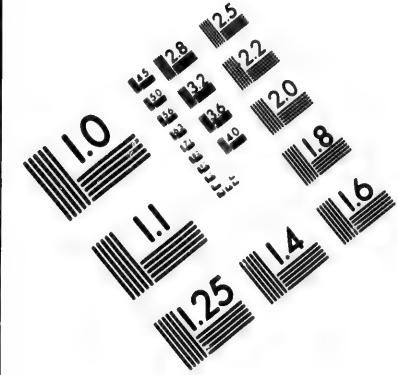
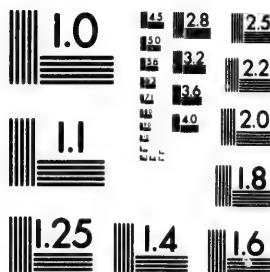
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## ERRATA TO THIS COMPILATION.

NOTE.—The errors corrected in the following table have arisen in four different ways, viz

1. Those which were accidentally overlooked by the compiler.
2. Those which exist in the original papers or documents.
3. Those which are ordinary typographical errors.
4. Those which were corrected in the proofs, but which were overlooked by the printer

Page 14, 15th line from top,	substitute "of" for "or."
21, 11th "	" " " western" for "eastern."
24, 16th "	" " " made" for "contained."
24, 21st "	bottom, erase "the."
24, 25th "	top, insert "as" before "by."
29, 19th "	" for "practices" read "practices."
35, 26th "	" substitute "manifestly" for "manifestedly."
43, last line,	substitute "preceding" for "proceeding."
Page 14, 6th line from bottom,	insert "to speak" after "invite them."
48, 26th "	top, erase "it."
49, 8th "	top, for "dependancy" read "dependency."
51, 17th "	bottom, substitute "momentous" for "monstrous."
51, 21st "	top, for "acquires" read "requires."
75, 4th "	bottom, for "maintainance" read "maintenance."
75, 7th "	top, for "contine" read "continue."
83, 18th "	top, after "rector," insert "or rectors."
95, 6th "	bottom, substitute "are" for "is."
96, 4th "	" top, " is" for "was."
103, 10th "	" " accidentally" for "accidently."
105, 7th "	bottom, " was" for "were."
116, 28th "	top, substitute "alternately" for "alternatively."
116, 4th "	insert "no" before "reference."
117, 10th "	" " for" for "from."
135, 18th "	" insert after "churchwardens of said congregation" "do hereby undertake and agree on behalf of said congregation," and at p. 289.
" 142, 18th "	bottom, substitute "invested" for "vested."
" 142, 12th "	" " " see" for "seem."
" 146, 3rd "	" " " separate" for "seperate."
" 146, 6th "	insert "when" after "time," see page 293.
" 146, 16th "	substitute "derivable" for "desirable."
" 148, 5th "	top, " " " consecration" for "concentration."
" 148, 5th "	bottom, " " reckoned" for "second."
" 150, 4th "	top, " " Bishops" for "Bishop."
" 150, 10th "	bottom, " " represented" for last word "present."
" 151, 2nd "	top, " " meeting" for "majority."
" 158, 18th "	bottom substitute "they" for "them."
" 158, 4th "	" (also p. 295), " and his successors," for "his successor."
" 161, 8th "	top, " " sentence" for "sense."
" 163, 20th "	" " appear" for "appeared."
" 163, 24th "	" " consideration" for "considertaion."
" 164, 20th "	" " licensee" for "license."
" 165, 12th "	" " interests" for "interest."
" 190, 4th "	" " lose" for "loose."
" 201, 18th "	" " adapting" for "adopting."
" 212, 14th "	" " last word "cities" for "cetisil."
" 212, 8th "	bottom, " " seems" for "seemed."
" 221, 8th "	" " the" for "ever."
" 241, 16th "	" " insert "no" before "private."
" 267, last line,	insert the word "shall" after "laymen," and also at p. 311.
" 268, 2 <sup>1</sup> st line from top,	insert "least" instead of "lease."
" 279, 5th "	bottom, substitute "presentative" for "presentive."
" 271, 19th "	top, substitute "more" for "most."
" 279, 15th "	erase the first "have a."
" 279, 20th "	" " insert "or parties" after "party."
" 281, 9th "	top, " " effect" for "erect."
" 284, 8th "	bottom, insert "or" at end of line.
" 293, leave out section 7 of No. 11.	
" 300, 16th line from top,	substitute "respectively" for "respectfully."
" 304, 5th "	" " make the same correct."
" 305, 18th "	" substitute "knowingly" for "know'ng."
" 307, 18th "	" in Sect. 2, substitute "authorized" for "authorised."
" 311, in Sect. 9, 1st line,	insert "no" before "private."
" 316, 12th line from top,	substitute "clergyman" for "clergymen."
" 318, 8th "	bottom, substitute "churches" for "church."
" 324, 13th "	" " Bishop" for "Bishops" repeated.
" 339, Sect. xvi., 2nd line,	for "personality" read "personality."
" 341, Sect. 4, last part,	from "or to be applied," to be left out.

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